

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 3rd MARCH 2021

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[9:30]

The Roll was called and the Dean led the Assembly in Prayer.

PUBLIC BUSINESS

1. Migration Control Policy (P.137/2020): second amendment (P.137/2020 Amd.(2)): amendment (P.137/2020 Amd.(2)Amd.) - resumption

The Bailiff:

We now continue with Public Business and the debate on the Migration Control Policy. Currently under consideration by the Assembly is the Chief Minister's amendment to Deputy Doublet's amendment. The next listed to speak is Senator Moore.

1.1 Senator K.L. Moore:

I simply wanted to assist Members by sharing with them a reflection on some of the Scrutiny work that has been conducted in relation to the work of the policy development board that formulated the majority of the policy before us in the migration control measures. I looked back at the report that was led by Deputy Perchard back in November 2019 and felt that some of the key findings there were quite relevant to this question of whether we should support the amendment brought by the Chief Minister or the amendment brought by Deputy Doublet today. Key finding 5 of that report said: "The diversity of the Migration Policy Development Board was not satisfactorily considered during the board's establishment." Key finding 6 read: "When the chair of the Migration Policy Development Board was asked about concerns regarding the board's lack of diversity his answer was unsatisfactory and did not appear to present a sufficient understanding of the problem." I share those points with the Assembly this morning just simply to identify how the group who have brought forward these policies simply have a lesser understanding than Deputy Perchard on this matter. It is indeed a very important matter because if I could quote from Matthew Syed, whose excellent book *Rebel Ideas* highlights exactly - and perhaps I ought to gift this to some Members of the Council of Ministers - he identifies really well the absolute necessity for diversity in our modern world by expressing this: "Harmonious thinking can be dangerous by clones who are individually intelligent but collectively stupid. Harness the power of diversity and the rebel idea. Bring people together who think differently to advance the collective brain and solve the world's wicked problems." Population, as we all know, is one of the Island's wicked problems and it is therefore of absolute importance that a diverse group is formed in order to push these forward. Therefore, for the reasons outlined, I will not be supporting this amendment but I will be supporting Deputy Perchard's amendment.

1.1.1 Senator J.A.N. Le Fondré:

I am glad I am following the last speaker and I acknowledge a number of the points she has made obviously, and this is very much going to be a decision for the Assembly. I think it is worth just pointing out that certainly finding 5 was around the diversity of the Migration Policy Development Board, i.e. the group I put together to do the work on the development of policy. It was not about the, as far as I am aware, actual amendment that we are talking about now. To bring us back to the point of the amendments and the debates we are having, obviously just to remind Members we are accepting, as we have said in our report to this amendment, essentially a change to part (b) and the new (c)(viii). So just to be clear, the only issue we have is around what is the wording of what we are calling paragraph (c)(vii). I think it is worth just making the point that one of the reasons for going for countries less than 500,000 versus islands less than 500,000 is that islands would not include the Isle of Wight and Staten Island. Obviously they do not, for example, have border control issues. Equally, as has been pointed out already yesterday, is that we are relatively in a unique position as an Island ... when I say "relatively in a unique" because the problem of population we have is a significantly increasing population whereas many islands are decreasing. We also have, and I mean this absolutely genuinely, world-class industries that need servicing and that is all relevant

when we are looking at the makeup and experience of the people who are going to be essentially providing advice in this area if this part of the overall proposition, as amended or as not amended, is finally approved by the Assembly. But what I wanted to do is just go back to the fundamental point of this particular part of the debate, which is the problems associated with having a very specific rigid criteria, for example as a gender balance panel, as opposed to the criteria of placing this under the guidance of the Jersey Appointments Commission, which is obviously consistent with all similar other such appointments that we, as an Assembly, essentially have put in place in the past. In fact, from memory, it goes back to ... I think it was Deputy Roy Le Hérisier who was probably one of the people behind certainly some of the things as to why so many individual issues were coming back to the Assembly and why would an individual put their name forward to then potentially ... obviously lots of personal details being put into the public domain by parliamentarians. But I think it is worthwhile essentially going over the slight history of how this amendment has evolved. Originally, in the original proposition that we lodged, it was to provide for an independent statutory expert panel to research and advise on population matters. That was it. Obviously the composition would have been done through the standard guidelines that we have, obviously absolutely aiming for the type of balance that we are all talking about and wanting to achieve. To an extent we are all in vehement agreement about the principles, the ramifications of the detail. What then came through was that the first amendment by Deputy Perchard read as follows: "To provide for an independent statutory expert panel [fine] that is representative of the population [i.e. we assume the Island's population] in terms of age, gender and ethnicity and includes locally resident expert advisers to research and advise on population matters." That was very rigid and did cause an issue because I think there were a combination of issues around whether that should be achievable in terms of what is a local expert adviser on population, you are narrowing your field, but also bear in mind that we were talking about potentially a panel of 3 or 4, how you get that representative in the way that we were talking about and what that means in terms of rigidity. For example, and this is a reasonable scenario, if one was to have a panel of 4 and there turned out to be 3 women and one man that ended up in the shortlisting process, even if the - for want of a better expression - third woman was eminently better than another man in that shortlisting you would not be able to select her if it had to be a gender-balanced panel. That is what we are saying. I will come back to the process of the Appointments Commission in a minute. Therefore the amendment that we are debating now is about having an expert panel appointed, subject to the oversight of the Jersey Appointments Commission, and obviously then at least one member of which has proven expertise in small country populations defined as less than 500,000.

[9:45]

That is just to give a broader base that we can select from. Obviously countries will include Ireland, so one can Google that if one wants to. But it does then just allow that sort of wider experience to be brought into what is meant to be an independent source of brainpower to give some advice - and I absolutely emphasise the "advice" - into what is really a multi-faceted and complex issue. Then just to come back to the final point in terms of again dealing with the Jersey Appointments Commission and, again, bearing in mind this is obviously in principle. In other words, any rules and regulations that come back around the makeup of the panel, if they are not satisfactory, obviously Members and, no doubt, Scrutiny, will have some quite detailed and specific recommendations at that point in time and obviously amendments can come through. So, that is why to an extent I think keeping it flexible at this stage might be to all of our advantages but again a matter for the Assembly. Anyway, as laid out in the report to our proposition, the Jersey Appointments Commission has a number of standards against which all appointments should be made. I think the key ones in their process are as written down but I will read them out because it is worth just listening to them: "2. The principles of equal opportunity and diversity must be inherent within the process. 3. Each role will be advertised in such a way to encourage applicants from all sectors and groups, especially those who are under-represented at senior levels in the public service. 4. Every prospective applicant must

be given equal and reasonable access to adequate information about the job and its requirements and about the selection process. 5. Selection techniques must be reliable, consistent and guard against bias and be in line with discrimination legislation. 6. Selection must be based on robust, objective criteria applied consistently to all candidates.” For example, those guidelines are used to appoint the Comptroller and Auditor General and other very eminent posts and to date I do not believe anyone has raised any issues in that process. Therefore, I am slightly concerned when people might start trialling that process for these kind of specific areas. It either works or it does not work. If it does not work, very happy to again impart further information and have that discussion. But they are also very clear that once one has selected the pool based on those guidelines, which is about avoiding discrimination in any shape or form, it then should be on a merit basis because how would one feel ... and I use the example if one had a woman and a man, and the woman is the better post but having a gender-balanced panel, for example, would require, because of the way the numbers of the selection process has gone, the man to be selected. It works both ways but that is the fundamental issue I am attempting to grapple with here. So, for all of those reasons, as I said, this is not or should not be held out as a battle between people set in a mindset of the Dark Ages around diversity and people who are shining the light on the area and never agreement between the 2. We are all trying to achieve the same thing but it is around making sure that the process can work. As I said if, from a principles-based point of view, which is really what this proposition is about, there is a lot of regulation which we will have to come back to later in the year. If there are specifics that need to be made at that point, very happy to obviously have those discussions and see what we can tweak. I am also very happy if Members would wish to arrange a briefing and a meeting with the Appointments Commission to understand how that process works because I have obviously now been through it a couple of times and it is quite a thorough process that we see. I am going to stop there. I make the point there are ramifications for not adopting this amendment. I know there are Members who have concerns around the principle of having an independent panel, that is undoubtedly going to come up in the main debate, but in terms of trying to avoid unintended consequences, that is what we are trying to do by bringing this amendment. It is very much a matter for the Assembly whether they support it or not. I would ask Members if you would seriously consider that because of the very reasons I have outlined and which obviously Deputy Huelin will also sum up on.

1.1.2 Deputy I. Gardiner of St. Helier:

I am pleased to follow the previous speaker the Chief Minister as I agree it is not about a battle between Dark Ages and today. At the same time, I was listening to the debate with great interest yesterday and today and I am finding myself wondering are we in 2021 or are we in 1921; I am not sure. I am from an era before there were multiple genders. I am old enough to remember time before the internet, even as old as I am, moves to block gender-equal boards and panels is from a time in the past which I cannot personally connect with. Why? Are you really proposing that a male-dominated board will make fairer decisions, that can an equal number of men and women making decisions weaken the decision-making process? I believe it would be the same reason as a male-dominating board weaken the decision-making process. For me, equality, it should work, like the Chief Minister said, both ways, not prioritise one of the groups. Women are taking part of the workforce, women are competing in normal walks of life but it seems they are not wanted on board-making decisions that involve employment of men and women on such an important policy as immigration policy. This Assembly needs to look at the population of Jersey, all aspects of our government need to represent the people of Jersey as they are, all races, genders, ethnicities. To suggest that a board that are equally men and women is somehow less capable is an insult to half of the population in Jersey, including me. For me, and this is starting to drive me crazy, the best person for the job argument, I agree with this, but anyone who assumes the best people for the job would not be an equal split between men and women, well, are they saying that men are cleverer than women? We need to put processes in place which will result in the desired outcome, which is gender equality. Yes, we do have processes in the commission but somehow it does not work. Look at the top jobs in our civil

servants, somehow it did not work. I am not saying that there is something wrong, we have great people who are leading the Island to the hopefully good places, but the gender equality is missing. If you would expect an outcome on merit, you would expect to have more women than men on a senior position. If we look at the data of achievement, girls outperform boys in every level of education. It has been pointed out at the gender pay gap review. There is definitely something still wrong. What Deputy Perchard's amendment does is to put processes in to get the best panel we can get and therefore the best outcome for Jersey. The amendment from the Chief Minister completely negates the process that Deputy Perchard is trying to put in place. If we agree that men and women are equally capable when we are looking over the entire globe for a handful of people to form a panel, of course you will get equal numbers of men and women easily, not just to tell we want gender equality but we keep doing the same for a long time. Change is needed now. It has been a such important process, we need the best people for the job, I absolutely agree. We need people on their merit and it should be the gender-balanced panel to obtain the better outcome for the Island, we just need to work harder.

1.1.3 Senator S.Y. Mézec:

I will speak only very briefly on this. I have listened to both sides of the argument on here, one side suggesting what is essentially a quota and one side suggesting that we will just go by best of intentions and see how we go. It reminded me of the moment where I became convinced by an argument a few years ago in support of quotas rather than anything else. It was at a C.P.A. (Commonwealth Parliamentary Association) conference in conversation with a Welsh Labour M.P. (Member of Parliament) who explained to me in just 2 words why quotas are better. Those 2 words were "they work". It is as simple as that. If you go for Deputy Perchard's amendment, we will get what we are after in terms of that balance. If we go for the Council of Ministers' version, we will not, and it is as simple as that. It will be best of intentions, they may well be completely sincere, but unless there is a requirement for it to be representative, it is not going to be. If we are going to go down this path of having this sort of board, which I have got some scepticism about, but if we are going to go about it and want it to be representative, we have to go for Deputy Perchard's amendment very simply because it will work.

1.1.4 Deputy M.R. Le Hegarat of St. Helier:

I, too, like Deputy Gardiner, have listened for nearly 3 years now about jobs on merit and, quite frankly, I am quite tired too about it. There is no doubt that at any process people will put forward those that are similar to themselves. I would also like the proposer of this amendment to outline for me, because I do not have it to hand, exactly the makeup of the independent Jersey Appointments Commission. That is because if we are going to have a position where they will oversee it, one assumes that they will ensure that their makeup is also diverse because obviously that would maybe be unfair if it was not. Of course, these things all come to interview and so it will be dependent on who maybe fares better in the interview on the day. It is well-known in the private sector that diverse boards are recognised for their value and I have to say I echo what Senator Mézec said in relation to the fact of nobody wants to work on the basis of quotas. However, I do have to agree with him that if we are going to get a proper balanced board we may have to do that. But it is interesting because if we are going to ask for applicants to be on this board, one assumes that when we look at those applicants we will see people that have got the criteria for the role that we are looking. So, therefore, one would assume that there will be a good balance of individuals and if there is not then maybe we need to look more broadly at where we are asking those applicants to come from. It is essential for us as an Island to make sure looking forward that we have diversity on our boards because if we do not we are never going to get out of the Dark Ages and we need to because it is important for all of our population within Jersey to feel that they are valued and that they are accepted. I think if we do not move forward on this, they never will.

1.1.5 Connétable K. Shenton-Stone of St. Martin:

I just wanted to echo some of the comments made by Deputy Le Hegarat and Deputy Gardiner. I would like to say that mindsets just have to change. As Deputy Gardiner says, we are in 2021, we are not in 1900. Women are not a minority group, and I will say that to the end of my days; we are not a minority group. The number of men and women in the world is roughly equal. Women make up half of the world's population so it makes no sense whatsoever to vote for this amendment. I will be voting for Deputy Perchard's amendment. It is not perfect but it is a way forward. So I will not be voting for this amendment, I will be voting for Deputy Perchard's amendment, we have to make some progress. We really do need to progress in this Assembly.

1.1.6 Deputy J.A. Martin of St. Helier:

Yes, I was checking who sits on the Appointment Board last night.

[10:00]

It is chaired by a woman, there are 5 other commissioners, and 3 of them are women, and really does that affect who they appoint? The overriding, as the Chief Minister said a few moments ago, is on the merits of the candidate. I was then pressured to speak, I thought everything had been said, until I heard Senator Mézec say that quotas work. Well, I would stand up against any man, any job that I went for and I want to be, and I will be, appointed on the merit that I am the better person for the job. I do not like the idea of quotas, I do not like the idea that you should have just because you are a woman, split it down the middle and they will be the right person for the job. Again, also I was prompted to speak by Deputy Gardiner who sees something in this amendment that is absolutely not there. She is talking about a male-dominated panel. No, this could be all women. Deputy Gardiner said: "Look around the world, we can find lots of women." Well, please - because I was on the board - let me know where these people are. If they are all women, so be it, but the actual amendment, Deputy Perchard's amendment, precludes that because we could not have all women even if they were best for the job. I was not going to speak but I have reheard again what Deputy Morel said yesterday and maybe the Chief Minister was a lot more polite than me. But I absolutely want to distance myself when he says he thinks he speaks for many Members in this Assembly, and I think I am quoting him correctly, that: "We do not believe the Jersey Appointments Commission should be overseeing top jobs because look at the terrible things they have done in the last 3 years." Well I would like to remind many Assembly Members that every board and panel we have, discrimination, employment, *et cetera*, has come to the Assembly and it has all been overseen by the Appointments Commission, all local people who are doing the jobs and they are doing them well. Yes, Deputy Perchard was right, when I brought, I think it was the Employment Forum positions to the Assembly, we were up at the Fort. I think we were having a funny day because we were up at the Fort for the first time and there was a pandemic going. I got questioned, and it was not on gender. Deputy Ward and Deputy Tadier questioned the, let us say, knowledge of the people I was presenting because if they had to decide on an employment issue: had they ever been unemployed? Had they ever done this? It was called back, I explained to everyone exactly how the process worked, it was overseen by the Appointments Commission, I do not get involved. It came back 2 weeks later and everyone was put in post and they are all there doing a fantastic job for the Island. So I absolutely disassociate myself with Deputy Morel but he is absolutely right. If he thinks that it is so terrible, he has it in his gift to bring a proposition any time or sit down with his Ministers, the Council of Ministers, then the Assembly and change it, not just take the headlines that everything has been bad. I will leave it there, thank you.

1.1.7 Senator L.J. Farnham:

I am finding this a surprisingly difficult decision because, as Deputies Doublet and Perchard will know, and other Members, I have been a willing and eager student to engage with this. Because I will be the first to admit that it took me some time, being a sort of middle-aged, however I am described from time to time, that cultures change. I feel I have made a lot personally, and the

Assembly and the Island, are making good progress in dealing with an unconscious bias and understanding why gender equity and diversity is important. But I am finding it difficult not to support this amendment in relation to the expertise, the small but important part of the amendment which refers to one expert or a group of gender-balanced experts. I think that pushes up against diversity and could restrict the selection process. Of course, we work with the Appointment Commission who are working within the States-approved policy and it is clear that that probably needs to be challenged or changed or amended in due course and that is going to be an important debate that I look forward to in the future. So, I just wanted to say that please do not misinterpret my vote on this today as a backwards step in relation to gender equity issues, it is in relation to the wording around the expertise. Either way, whichever way the vote goes, I think we will have a good way forward and we will produce a very balanced panel to deal with this. So that is all I wanted to say.

1.1.8 Senator S.W. Pallett:

I am pleased to follow Senator Farnham. A lot of what he says I agree with apart from where I think his decision is going to go. I am only going to speak briefly. It is not very often I change my position during a debate but this time I have. There have been some very good speeches around diversity and gender balance. I suppose the speech and the words that ring true most to me are something that Senator Mézec said around the meeting he had with a, I think it was a Welsh M.P., is that it is not working or does not work, and I think that is where we are. As much as I think the ... and I am not going to say anything negatively about the Jersey Appointments Commission because I think they do an excellent job, and I think we all do, but I do not believe diversity in any part of Island life is moving quick enough. I think this is an opportunity to perhaps give it a little nudge forward. The one issue I just wanted to briefly touch upon is that in terms of gender balance on this particular panel, many things to do with population control and migration control have equal effect to men and women and especially in terms of the effect it will have on families. I think the debate on the main proposition will, I suspect, talk a lot about families and families of migrant workers. I think it is important that families are considered in the right way and given in the right perspective. To do that I think you do need to have a gender-balanced panel, one that can assess both sides of the argument for both men and women, because there are different arguments to be made. But I think what is going to be important is that we do consider, both when we are considering where we are going to vote on this and also in the main debate, about the effect any migration controls have on family life and especially around the effect they are going to have on children because there will be an effect. Any controls we bring in will have an enormous effect on family life and children. I think the only way to ensure that we have got an independent panel, expert panel, statutory panel that really have both sides fully consider the effects of family life is to have a gender-balanced panel. I know some believe that might be too difficult to achieve. I do not believe that is the case. I think there are plenty of people that would be able to sit on this panel and provide the sort of expert advice we need. If that means we have to look a bit harder, then maybe that is what we should do. I think what has come out of this debate is that there probably needs to be a review of the criteria around the Jersey Appointments Commission. Again, I do not think they have done anything wrong; I think they do what we ask them to do. But once an organisation has been up and running for the time that it currently has, maybe it is a time to review the terms of reference that they have got and maybe we need to have a look as an Assembly about how we elect people to boards and to other bodies connected with the States. Because if we cannot get our act right and be seen to be doing it right, then what hope do we have of attracting more people into the States, attracting more women that are prepared to come into what can be a quite ferocious atmosphere of the States and the life that goes along with it. So, I have changed my mind, I am going to vote to reject this amendment because I think we do need to move forward in terms of diversity and I think this is an opportunity to do it.

1.1.9 Connétable C.H. Taylor of St. John:

I have noticed something creeping in that I am finding disturbing. I was born in South Africa and if you want to know about discrimination, well there is apartheid, and I am talking in the 1960s, it was rife. I have lived it and I know what discrimination is. I strongly support that all States Members should undergo discrimination training, especially the unconscious bias training. What we are seeing today, very sadly, is unconscious bias that we should have a gender-balanced committee. When I look at a committee I see a group of individuals who have ability, who are volunteers, who have come forward for whatever reason and are willing to put their shoulder to the wheel. That is what I look for. I do not care tuppence whether they are male, female, black, white, short, tall, bald, bearded or whatever, they are the individuals that I look for, and anyone who discriminates against a person for whatever reason is practising unconscious bias. That is why I urgently support this amendment to the proposition.

1.1.10 Deputy K.G. Pamplin of St. Saviour:

I will be brief. In reading the amendment to the amendment and the amendment itself, the original amendment says: “To provide an independent statutory expert gender-balanced panel” and I think that is all this is about. If you want the very best then why do we not have the very best female candidates, the very best male candidates, and the very best people come forward? That is my view on this. I do not think there is anything else untoward about it. My personal view though is I think members of the public and the Island are questioning how many expert panels do politicians need? We are elected by the people to make decisions and we obviously have to listen to a range of voices and I feel that is the bigger argument here that has been overshot. Why do we need to do this all the time? We are elected to make decisions and I think that is what I am more concerned about. I think that is where the Island is seeing us time and time again. Apart from S.T.A.C. (Scientific and Technical Advisory Cell) during the pandemic, which was a good idea to have experts in that field to guide the decision-making, the lines were being blurred of who is making the decisions and where is that information based on? The public themselves get confused of what we do as politicians and who makes those decisions and I think this is, for me, my personal view, the crux of this issue. We are seeking to form an independent statutory, that is what my take on this is, so why do we not encourage the very best and form the very best female candidates, the very best male candidates, and have a balanced independent statutory? But what I want to see more of is politicians just making decisions with policy that we debate and not a year before the election.

The Bailiff:

Does any other Member wish to speak on this amendment? If no other Member wishes to speak on this amendment, then I close the debate and call upon the Deputy of St. Peter to respond. Deputy Doublet has asked whether or not the individual paragraphs can be taken separately. That is a matter entirely for you, Deputy of St. Peter. It is a matter within your decision and gift. They can, as a matter of logic, but it is up to you whether you wish to have them taken.

1.1.11 Deputy R.E. Huelin of St. Peter:

Thank you for that offer and I thank Deputy Doublet for the suggestion. I will review that towards the end of my summing up, if I may. I would like to thank all Members for their comments and a very, very involved and impassioned debate of where people stand on this subject.

[10:15]

All those stances are to be respected and appreciated. There was one specific challenge that I was given, which was from Deputy Le Hegarat, who wanted to know the makeup of the Jersey Appointments Commission. Deputy Martin stepped forward and she spoke afterwards and I can confirm that it is made up of 6 people, the Chair is a lady. I do not know if I am allowed to mention names in the Assembly but it is in the public domain. The Chair is a lady and there are 5 other members, 3 women and 2 men, so the makeup is 2 to 4 in favour of women. I would also like to say

I have had experience of the Jersey Appointments Commission because I worked with Deputy Gardiner on the appointment of the Board of Governors for the Comptroller and Auditor General. I believe later on in this Assembly we are to seek the Members' approval, or the Chief Minister is to seek Members' approval to appoint a new Chair and 2 new lay members. The result was the Chair is a lady member and the 2 lay members are male. Now, the makeup of that panel and that interview process, certainly for the Chair, was 4 people: 2 men and 2 women, and I recall very, very clearly during that process that we were focused absolutely solely on skill, expertise and the right person to do the job. I hope Deputy Gardiner will support me on that because I do not think the mention of gender came up once. We were focused on the right people to govern the most important role and function we have in this Island which is the Comptroller and Auditor General. So hopefully I have addressed that specific request from Deputy Le Hegarat. However, moving on, listening to this debate intently, I will be supportive of many, if not all, of the points put forward by many Members, especially Deputy Doublet and Deputy Ward. That will be if we were debating the recruitment or recruitment policy for government departments or if we were in private industry, working in finance or hospitality, regardless I would be totally supportive of the premise of the gender-neutral, as it were, recruitment process, giving everybody that opportunity. If that was a case of building a specific team together to be representative, a diverse representative of that company or government department, I would be totally supportive of this and I think, like Lyndon Farnham, I have advanced in my thinking. I would like to bring Members' attention back to the actual subject in hand; this is not based on recruitment policy for government or for industry, it is based on recruiting experts to help us and advise us in this very delicate subject. As Deputy Doublet says, we need the best experts in their field to help us navigate our way through, as I said, one of the biggest challenges facing us in the Assembly. I totally agree with her, we cannot compromise on the best experts that can give us advice against which we can make decisions as we go forward through the initial population policy and beyond. These individuals will already be experienced. We are not looking at recruitment or development of staff, we are already experienced in specialist academic areas such as labour economics, applied microeconometrics or intergenerational economic effects, for example. That was a mouthful. Now let me share a thought, and the Chief Minister came up earlier with a hypothetical situation of putting together a panel of people, well this is a real example. The U.K. (United Kingdom) already has a similar panel to the one we are debating today. This is the Migration Advisory Committee and it is made up of 5 absolute experts who we would be honoured if they would respond to our call for people to come and help advise us. Google them, they are professors, PhDs, they are so good in their field, on paper that is. However, there is a minor problem here, the panel of 5 is made up of 4 women and one man. Now if that was our shortlist today of the 5 people that we wanted to put forward, and what we are going to put forward to the Assembly, but there is an option for the Assembly, should we make that recommendation, to veto it or bring it to the Assembly, if we were to bring that shortlist we would have to drop one of those women and replace them for the next best man. That to me is a compromise and that would also leave one of those very talented women turned down from her role because of her gender. That, to me, I am afraid, is a real, real challenge. So under my amendment, or Chief Minister's amendment, we will cast our net far and wide to attract as many diverse candidates as possible and then we will be able to pick the best panel regardless of gender. Now, again, I challenge you. Would any of the aforementioned experts be comfortable applying to Jersey if they knew we had a selection policy that prioritised gender over their proven expertise - proven expertise - if you look at the C.V.s (curriculum vitae) as the examples of people we would hope to attract potentially? If you look at those C.V.s you will find out that has been built up over many years of rigorous work and relevant study to be able to be in a position to give us that advice, against which we make decisions, but that advice to represent us. I believe that the Appointments Commission takes full account of the need to have a diverse membership among States Members. This is clearly published in the guidelines which the Chief Minister read through earlier. The in-committee debate I am proposing will highlight the complexity of the challenges which we need to navigate. We will each have our own priorities and somehow we will need to end

up with a policy which manages all the tensions. The tensions are financial, health, our society and our environment. Population affects all ministries and departments, including Housing, Education, Health, Environment, Infrastructure, Social Security, et cetera. It is a tough problem to solve and, as my maths teacher would say, it is a meaty problem, which is why we need the very best population experts to analyse information and help us understand how we solve this very complex problem. I assure you, we will still make the skilled decision; however, it will be based on facts and evidence, we cannot afford to get it wrong. I am no great historian but I am obviously interested in my Island but the Island population dropped by 50 per cent in the 1850s, 1860s when our industry of the day, wooden hull shipbuilding, was surpassed by industries elsewhere, metal ships. There is only one thing worse than a rising population that we have today, and I assure you of that, it is called a shrinking population. Yes, islands may have different challenges. Antigua relies on tourism, especially those that come for about 2 weeks where we have an average stay of 3 days, totally different dynamic. The B.V.I. (British Virgin Islands) is finance, Bermuda is very much focused on the insurance industry as well as tourism, mainly from the States. Tahiti, a wonderful place that I have never been to, it is on the bucket list, but stuck in the middle of the Pacific. What we learn from them is about isolation. So to sum up, the States have legal status for the Appointments Commission in proposition P.99/2005 and they are now a legal body on the Employment of States of Jersey Employees (Jersey) Law 2005. There has been criticism of the Appointments Commission during this debate and if Members no longer support the way in which the commission operates then they are free to seek amendments to the law or challenge the guidance but I do not think it is appropriate for these issues to be raised in a debate on migration controls. I would ask Members to accept my amendment so that we can get the right experts to help us draw and collate the right information and data for a population policy that is right for our beloved Island. I ask Members to accept my amendment and I have to address Deputy Doublet's request of how we take it.

The Bailiff:

As I say, it is entirely a matter for you. There is no right to call upon, you can take them separately, but taking them separately would simply change the wording, I suppose, in the paragraph.

The Deputy of St. Peter:

I am inclined to take it *en bloc* but I think it is only realistic to accept what is quite clearly going to be the Assembly's wishes to take it in the 3 parts. I have not got the numbers of how it is consolidated; however, the one to take separately is in the amendment as (c)(vii), as I understand it, which is the words that start: "To provide for an independent statutory expert gender-balanced panel" but will wait to confirm that is the case.

The Bailiff:

No, sorry, Deputy, we are not voting on the main migration policy, we are voting on the amendment. The request from Deputy Doublet is that the 3 parts of the amendment are each taken separately. They all relate to subparagraph (vii) and so the effect was that the first thing would be that the Assembly would vote on the substitution for "gender-balanced panel" with the words "panel appointed subject to the oversight of the Jersey Appointments Commission", the second vote would be on taking away "who have proven expertise" and substituting "at least one member of which has proven expertise" and the third would be removing the word "Island" and substituting the word "country" all from subparagraph (vii) but it is a question of whether you wish to take those *en bloc* or whether you wish to take them separately.

The Deputy of St. Peter:

I think on review, having looked at the documents in a different light, I would like to take them *en bloc*.

The Bailiff:

Very well, in which case I ask the Greffier to place a voting link. The vote is on the Chief Minister's amendment to Deputy Perchard's amendment and I open the voting and I ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The amendment has been adopted.

POUR: 26		CONTRE: 21		ABSTAIN: 0
Senator I.J. Gorst		Senator T.A. Vallois		
Senator L.J. Farnham		Senator K.L. Moore		
Senator J.A.N. Le Fondré		Senator S.W. Pallett		
Connétable of St. Clement		Senator S.Y. Mézec		
Connétable of St. Lawrence		Connétable of St. Helier		
Connétable of St. Brelade		Connétable of St. Saviour		
Connétable of Grouville		Connétable of St. Peter		
Connétable of St. John		Connétable of St. Martin		
Connétable of Trinity		Deputy G.P. Southern (H)		
Connétable of St. Mary		Deputy M. Tadier (B)		
Connétable of St. Ouen		Deputy of St. Martin		
Deputy J.A. Martin (H)		Deputy L.M.C. Doublet (S)		
Deputy of Grouville		Deputy J.H. Young (B)		
Deputy K.C. Lewis (S)		Deputy K.F. Morel (L)		
Deputy M.R. Higgins (H)		Deputy of St. John		
Deputy J.M. Maçon (S)		Deputy M.R. Le Hegarat (H)		
Deputy S.J. Pinel (C)		Deputy S.M. Ahier (H)		
Deputy of St. Ouen		Deputy R.J. Ward (H)		
Deputy R. Labey (H)		Deputy C.S. Alves (H)		
Deputy S.M. Wickenden (H)		Deputy K.G. Pamplin (S)		
Deputy of St. Mary		Deputy I. Gardiner (H)		
Deputy G.J. Truscott (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				

1.2 Migration Control Policy (P.137/2020): second amendment (P.137/2020. Amd.(2)) - as amended

The Bailiff:

We now turn to Deputy Perchard's amendment as itself has been amended and the first person who has indicated a desire yesterday to speak on this particular part was the Connétable of St. Ouen. Do you still wish to speak on this, Connétable?

Connétable R.A. Buchanan of St. Ouen:

No, thank you for asking me, but I think the speech I made earlier was the one that I wanted to make. I was just confused as to which amendment I was going to speak to.

The Bailiff:

The second person who indicated a desire to speak yesterday before we moved on to the matter we have just discussed was Deputy Ash.

Deputy L.B.E. Ash of St. Clement:

Mine was for the second part. If I do not speak now, am I still able to speak later if this debate develops or not?

The Bailiff:

Yes, if you told me that you wished to speak on the one that you did in fact speak on. You have not indicated a desire to speak on this yet, it is open to you to do so.

Deputy L.B.E. Ash:

I shall reserve the right then, thank you.

The Bailiff:

Well then I open the debate on Deputy Perchard's amendment as amended. Does any Member wish to speak? This is about Deputy Perchard's amendment as it has just been amended.

1.2.1 Deputy J.M. Maçon of St. Saviour:

It is a question for the proposer. I am just struggling with this because I am conscious of the cost implications for this particular amendment. I wonder if the speaker, because she did not touch on that in the opening speech, could just talk to that a bit more. Given the place that Jersey is going to be with the costs going forward, we know we are going to be looking at an economic recession, whether this particular panel, among everything else we have got to do, is really the best use of public money. I wonder if the proposer could respond to that.

[10:30]

1.2.2 Senator K.L. Moore:

Just very briefly, I would urge Members to support this amendment. I appreciate Deputy Maçon's point about the costs involved. However, data and the collection of data to assist the formulation of contemporaneous policy decision-making and suitable reactions to it are really important and trump that. If we look at what has happened in terms of population in the past year alone, we, as an Assembly, no longer really know what the impact of events of the past year have been on the Island's population. We have a sense that a considerable number of people have left the Island; however, we do not have the relevant data. I think that is exactly the example of why this needs to be kept up to date and properly accounted for so that decision-making can flex and adjust to what can sometimes be rapidly-changing circumstances. That really is all I have to say in support of this amendment.

The Bailiff:

Does any other Member wish to speak on the amendment? If no other Member wishes to speak, then I close the debate and call upon Deputy Doublet to respond.

1.2.3 Deputy L.M.C. Doublet of St. Saviour:

In answer to Deputy Maçon, absolutely this is something that should be done. I think the separate parts of the amendment, I believe that the Deputy is speaking to the citizen's panel that would be established. As an example, if we form convening panels around assisted dying and climate change, then we should certainly do so for an issue such as migration, which is arguably at the top of the priority list for many Islanders which, around election time, we will recall those conversations. So, yes, I feel this is absolutely a good use of public funds and Members should certainly vote for all parts of this amendment. I think it is a shame that the other part of the amendment has essentially been wrecked by the amendment to the amendment but that is where we are. I would like to ask that this is taken in parts. I maintain the amendment and ask for the appel, please.

The Bailiff:

How do you wish the matter to be dealt with in parts, Deputy? Do you wish each of the 3 letter paragraphs or do you wish votes to be taken, and that will be quite an exercise, in connection with the Roman numeral paragraphs?

Deputy L.M.C. Doublet:

Just the 3 main parts of the proposition will be fine, thank you.

The Bailiff:

Very well, thank you.

The Deputy of St. Peter:

May I make a request?

The Bailiff:

Yes, Deputy, what is that?

The Deputy of St. Peter:

Yes, can we just be reminded of what we are exactly voting on now? I believe it is the amendment to the amendment which has transformed to be the amendment, so there has been no change to it. But I would just like clarification of that so we know where we are.

The Bailiff:

I am sorry, you lost me with that characterisation. What we are voting on is Deputy Perchard's amendment to the migration policy as amended by the Chief Minister's amendment which has been passed.

The Deputy of St. Peter:

As I thought, thank you.

The Bailiff:

If that assists you. Just one moment. Very well, we can now put up part (a) for a vote and I ask the Greffier to put the voting link in the chat. I open the voting and I ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Part (a) of the amendment has been adopted.

POUR: 38		CONTRE: 7		ABSTAIN: 0
Senator I.J. Gorst		Connétable of St. John		
Senator L.J. Farnham		Connétable of St. Mary		
Senator J.A.N. Le Fondré		Deputy J.A. Martin (H)		
Senator T.A. Vallois		Deputy J.M. Maçon (S)		
Senator K.L. Moore		Deputy R. Labey (H)		
Senator S.W. Pallett		Deputy S.M. Wickenden (H)		
Senator S.Y. Mézec		Deputy of Trinity		
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				

Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Greffier of the States:

The 7 votes contre were: Deputy Maçon, Deputy Wickenden, Deputy Martin, Constable of St. John, Constable of St. Mary, Deputy of Trinity and Deputy Labey.

The Bailiff:

I ask the Greffier to post a link into the chat. The vote is on part (b) of the amendment. I open the voting and I ask Members to vote.

Connétable S.A. Le Sueur-Rennard of St. Saviour:

Sorry, to interrupt, but when we announce Deputy Labey, could we just be told which Deputy Labey it is?

The Bailiff:

There is only one Deputy Labey. Sometimes Members refer to the Deputy of Grouville as Deputy Labey, that is a mistake, of course. The Deputy of Grouville's title is exactly that, the Deputy of Grouville, and we should try to use that accordingly.

The Connétable of St. Saviour:

That is all right. Thank you.

The Bailiff:

If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Part (b) has been adopted.

POUR: 39		CONTRE: 6		ABSTAIN: 0
Senator I.J. Gorst		Senator T.A. Vallois		
Senator L.J. Farnham		Connétable of St. John		
Senator J.A.N. Le Fondré		Deputy J.A. Martin (H)		
Senator K.L. Moore		Deputy J.M. Maçon (S)		
Senator S.W. Pallett		Deputy S.M. Wickenden (H)		
Senator S.Y. Mézec		Deputy K.G. Pamplin (S)		
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy I. Gardiner (H)				

The Greffier of the States:

Those Members voting contre were: Senator Vallois, Deputy Wickenden, Deputy Maçon, Deputy Pamplin, Constable of St. John and Deputy Martin.

The Bailiff:

In just a moment the Greffier will post a link for part (c). Probably is not time to pop out for a cup of tea or anything at this point but it will come along shortly. I have not yet opened the voting, Connétable of St. Saviour, for (c).

The Connétable of St. Saviour:

I know, I am sorry, but I have got to go to my funeral.

The Bailiff:

Very well, thank you very much indeed. I am prepared to take that vote because it is clear what the Assembly is voting on.

The Connétable of St. Saviour:

Yes, please. Thank you.

The Bailiff:

I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. Part (c) has been adopted.

POUR: 40		CONTRE: 3		ABSTAIN: 0
Senator I.J. Gorst		Connétable of St. Mary		
Senator L.J. Farnham		Deputy J.M. Maçon (S)		
Senator J.A.N. Le Fondré		Deputy S.M. Wickenden (H)		
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				

Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

The Greffier of the States:

Those Members who voted contre were: Deputy Maçon, the Constable of St. Mary and Deputy Wickenden.

1.3 Migration Control Policy (P.137/2020) - as amended

The Bailiff:

We now return to the debate on the main proposition, the Chief Minister’s policy as amended, and that was duly proposed and seconded and I had listed to speak Deputy Ward.

1.3.1 Deputy R.J. Ward of St. Helier:

I just put in the chat about that, let me get my notes up. I wanted to speak early in this debate before it veers into the wider areas of discussion regarding population and I note that the press reporting last night and probably tonight will be on population where we are talking about a migration debate. In the last election, Reform and, I, as a member of Reform, stood on a manifesto where we made clear the need for a permit system to enable genuine and meaningful targets for migration to be set. “Genuine and meaningful targets” is really key there. We also made clear that targets set must be followed and successive governments have failed to follow and meet any of the targets they have set. This is where the proposition begins to become a real problem. There is a complete lack of detail in the proposition. Now I understand the concept of agreeing a principle that can then be developed but the very political nature of migration means we must have more clarity on the future direction and intentions of Government. At the moment, this indeed creates a greater issue. It does appear that the intention is to outsource the political discussion and decision-making around migration to an expert panel and I have a few serious reservations regarding this. First, I believe there is a serious difficulty in finding a specialist in small island migration and this has been mentioned in terms of fitting our situation. From my communications and interactions with small islands via the C.P.A. and at conferences, most small island communities face falling populations and do not have the issue of trying to limit populations, in fact, which jurisdictions that will match Jersey in any way do, and so that is a serious issue that we are looking for. More importantly, though, I have a serious concern that advisory panels very quickly become the political and policy lead as we have seen happening,

for example, the Fiscal Policy Panel. I cannot remember the last time a Minister for Treasury and Resources went against any decisions of the Fiscal Policy Panel and so we do seem to have non-elected officials driving the political discourse, and I think that is a real problem. Decisions on migration and population are political decisions that need to be made by elected Governments that were elected on the clear policy of what they will do.

[10:45]

In this way they are accountable for the decisions, of course take advice, but do not hide behind it or dissolve themselves of responsibility and I have a real concern regards that. We are in the final year of a term and this is the first time this has happened and I will come back to that point later on. Now the policy sets out 4 distinct permissions but within these are the words “may lead to permanent residents”. In a briefing, there was a mention of an additional permission, the permission of 4 to 10 years and then permanency. I would like some explanation of this and how it may be used and by what sectors of our society and our economy. The biggest problem is the lack of detail, therefore context to what this means for long-term migration and for the workplace and for businesses and for service providers and for government services. For example, 9-month permissions without housing or residency rights, what are the protections for people who will come here to work? What sectors will they serve in? The reality is that these will be the people paid the least. I am sceptical that there will be 9-month contracts for accountants or C.E.O.s (chief executive officer) or workers in highly-paid areas. How many landlords offer 9-month contracts? What rights will they include and what standards will the accommodation be kept to? We still do not have a licensing system for landlords. Will this transient population have extra added to their electricity bills to cream off as much as possible while they are there, with no comeback if that happens? How will we prevent that? All of these details are very important for a meaningful migration policy. What work will happen from officers immediately after this debate? That is a question I would like the proposer to bring. Will we be seeing work on identity cards before the regulations come to the Assembly? I for one am very concerned about these identity cards and identity card fraud and that indeed was also in our manifesto. What will be the immediate next steps after this vote? With a lack of clarity, we end up with vacuums, which can be acted on by officers who are not accountable. I hope that does not happen. But I want to hear from the Assistant Chief Minister or the proposer so that we have some reassurances about that. We then have the 4-year permission. But it is not clear which sector of the economy is being targeted. Who will come for 4 years knowing there is no option to stay longer? Life can change a great deal in 4 years. We need to address those questions and have answers to them, have scenarios so that people know what they are getting themselves into. Also, we get back to housing again. Where will people be housed, with what rights? On a positive note, it would require businesses to constantly train new staff and succession plan, which perhaps is something that has not happened and not helped with population on the Island. The 10-year permission could be said to be clearer in that it enables the possibility of extension and long-term residency. I have no problem with this for essential workers. It is in many ways like what we have now. But will it be the Government or the advisory board that decides upon this demographic? If there is a demand for business or services, will there be a growth in population? There is also no detail on the proportion of each type of permission. So we have a tiered system, one could call it a caste system based upon economic value, a very British attitude one might say. What about those who are already living their lives in Jersey? We have had the process of registration for settled status, meaning that many who have worked and paid tax in Jersey for many years have had to go through the administrative process and some have found it unpleasant, an insult to be quite frank. But they have gone along because they have understood. But where do the lives of these people fit into this document? I would like an answer from the proposer. What about those who are already living here and what are the implications? I know that there will be many that will not be at ease with a system that could create, and probably will create, second and third-rate members of our society. This is a real risk. It is the detail that needs to be addressed so that we can be reassured that will not happen. We will, I am certain, hear

that this policy will address the problems of housing. It does not deal with the housing crisis. Issues of housing, the availability, the quality, have much wider causes than simply the numbers. Indeed, the theoretical numbers will not change, just the people filling the vacancies who will be a more transient population. The question is whether this further drives up rent as contracts change more often and the opportunity to increase rents goes with it. There is so much more that is causing our housing crisis. The concentrations of homes in the hands of developers and investors is a fundamental cause and will not go away with this change to migration policy. I am also concerned that this is designed to simply gain the headline that the Government is addressing migration before the next election. That is simply wrong. This is too serious a subject, too important politically, morally and for the future of Jersey. So, if this is agreed, there needs to be full development and consultation with States Members to ensure the long-term implications are seen. We have a context of Brexit and COVID recovery, which must be accounted for as we develop policies. I note the concerns expressed by some sectors of our economy already. I do not have much faith in the development of the government I.T. (information technology) systems, which seems to be over-budget and late regardless of what happens. There needs to be openness about the underlying political influences that drive this policy and a willingness to change if it is not appropriate. We have the bare bones of a possible migration policy here, full of uncertainty with a huge lack of clarity. The report does look like a last-minute dissertation produced with a deadline that suddenly became real, with a word count that needed fulfilling, 379 pages of material with so little specific detail, it is quite a piece of work. I would suggest to the proposer that we seem to be replacing a so-called leaky tap with a brochure of taps and remain undecided on what tap to purchase. So voting for this will leave me uneasy for the reasons I have outlined. But voting against will mean that we have no movement on tackling the issue of migration. The Council of Ministers have left us with an inadequate choice because it has been left too late and too close to the election. Too many Assembly Members of the past have failed to address this issue and who now complain about the lack of action. So I look forward to the debate and will listen for the answers of all of these issues I have raised. I will expect the proposer to answer the questions that I have asked. I urge Members to think very, very closely and really engage before voting on this proposition.

1.3.2 Senator S.W. Pallett:

I am pleased to follow Deputy Ward because, as usual, he has done his research and he has brought up a lot of very clear issues that we need to look at in more detail. I am sure that Members will. I am sure that Members will have had the opportunity to consider the review carried out on P.137 by the Migration and Population Review Panel that I was pleased to chair. I am not going to go into any great detail in regard to the findings and recommendations as they speak for themselves. But it is important to recognise the diverse views given by a broad range of stakeholders on P.137. I believe that many Members, like myself, and that of the members of the Migration and Policy Review Scrutiny Panel, have received many concerns in regard to P.137 from both businesses and individuals who may be impacted by these new migration controls. These concerns have been wide-ranging and cover all aspects of P.137. But one comment made by Jersey Finance that concern would lie around the clarity and application of the policy and permission process, some of the views that many of the stakeholders who have made submissions to the panel hold. Although Jersey Finance, among others, thought it sensible to provide more responsive controls and to remove automatic graduation, when commenting on around the lack of visibility and data around how people move across sectors under the current controls, they were concerned that the new controls could be cutting off a pipeline that will ultimately not solve the problem of increased population. There are concerns there is not a long queue of migrant workers, whether skilled or otherwise, who want to move to Jersey. Time-limited permits may cause issues to those considering coming to work in the Island. Especially to partners of workers and their families who would not only have the upheaval of moving but, for some partners, it might also have an impact on their own careers. It would be fair to say though that the general consensus of those who have responded to our call for evidence during the panel's review of P.137

was that there is a need for both migration controls and a common population policy. Citizens Advice echoed other comments that the current controls are not having the desired effect of controlling population levels. The new controls we are debating today, and any new population policy, must both be based on up-to-date evidence and data. Policies need to be nimble and flexible to ensure that local business can access the labour force it requires when it needs it. Many of us would agree that the levels of migration seen in recent years of 1,000-plus a year are unsustainable and are putting increased pressure on services such as health and education. The issue that is being called into question is what these controls need to look like and how and when they are applied. Only on Monday I was contacted by the Chamber of Commerce in regard to serious concerns their members have in regard to comments included in the foreword of P.137. The highlighted comments of the Chief Minister mentioned were: “Our focus in 2021 will be on developing the migration control proposals. Existing and new controls will be rigorously applied during this time to prevent a new influx of migrant workers as job opportunities start to become available again.” This to me makes it clear that, should these migration controls be adopted by this Assembly this year, then the flow of migrant workers could be limited at a time when the concerns of Chamber members around the impacts of COVID and Brexit have not been fully assessed. The foreword also stated: “Initial estimates suggest that the number of workers has fallen several thousand between the summer of 2019 and summer of 2020 and it is likely that migration is likely to continue to be depressed during 2021 due to both COVID and Brexit.” It is worrying therefore that we could be introducing rigorous controls at the same time that migration is likely to be depressed during 2021. Businesses in the Island need certainty and need our support to see them through the very rough economic waters that we are currently sailing through. Inconsistencies such as these are a real concern to business locally. These concerns are understandable and clarity is required from Government as to how and when new controls will be applied. There is no doubt that many sectors of local businesses suffer greatly, especially during the 2 periods of lockdown introduced quite rightly to reduce the limit of the impact of the pandemic. The timing of restrictions is not a debate for today. But the consequences have been dramatic on many parts of our local economy and we are at a point when we need, as an Assembly, to fully support our economic recovery. No unnecessary hurdles should be put in the way of that recovery in coming months. There is a potential that both the new immigration controls and the new suite of migration controls could impact that recovery if applied too severely and if not carefully monitored. The impact of Brexit is not yet fully understood. In particular, how any recent changes to migration rules might impact those who seek to work in the Island and the employers who need to recruit these migrant workers and their ability to survive have yet to be assessed. All of these issues are interlinked. We should be in a position where we fully understand how one affects the other before any further changes are made to our current housing and work controls. The Jersey Hospitality Association have made their concerns known very widely and believe the new immigration controls are the most significant change to control factors introduced in decades. Access to free-moving individuals who could have come into the Island without a border permission have been reduced by 85 per cent as a result of Brexit. This is already presenting acute challenges for the sector the work permit scheme contained in P.137 is setting out to achieve, and that may or may not be the case. But it does highlight the need to ensure that migration figures can be accurately monitored as soon as possible to ensure that local businesses are not disadvantaged when looking to recruit the necessary workforce. The J.H.A. (Jersey Hospitality Association) also make the point that these migration controls were developed pre-COVID and pre-Brexit. So some consideration should be made as to the impacts of both on these proposals and the potential timing for any implementation of new controls. To implement fairly and transparently both new migration controls and a new population policy, it is vital that we have all the necessary information.

[11:00]

Not only to inform the development of proposals prior to the implementation of any new policy, but it is also vital to have the ability to measure and record any impact that either policy will have on

both controlling the size of Jersey's population and the flow of migrant workers in and out of the Island. Being able to set controls that take changes in the local economy and factors outside our control into account will be vital if we are to have a thriving economy. To do this, Government need accurate data on the current population and data on the needs of local business. In the public hearing with the Chief Minister, the panel were told that an agile I.T. system was being developed to provide data that is currently not available. This is vital to ensure that data is available to inform decision-making and to assist the independent statutory expert panel in their work. This I.T. system must be able to accurately record the data required, including the movement of labour both in and out of the Island, and as importantly between sectors in the Island. Government will also need the information from the census that will take place in late-March this year to develop its population policy. It has been stated publicly that this information will not be available until early 2022. To accurately measure migration in and out of the Island, Government are committed to implementing this new I.T. system. Without its implementation, it will be difficult to understand how any new proposals could be adequately measured. This new I.T. system will not be online until the end of 2021. Without its development, it will be impossible to judge whether any new controls are working, be they under the new immigration controls or any new work permit system as set out in P.137. Looking individually at both a new population policy and any new work permit controls, there is uncertainty as to when either can be delivered. The timeframe for a new population policy that should be based on sound evidence and data will rely on the availability of information, both from the census and the development of any new I.T. system. In terms of new migration controls, these should not be introduced until we can measure and record the data. That can only be achieved when we have systems in place. As I have said, it is also potentially harmful to local business if existing controls are applied too rigorously under either the existing or new migration controls. So Government need to be and should be flexible in their approach to employment of migrant workers, at least until we have fully understood the effects of Brexit and new immigration controls and we have an I.T. system in place to fully record the impact of any changes that we are making. Looking at part (c) of P.137, in particular parts (i) to (iv), for some sectors of the economy, such as agriculture, construction and hospitality, it is unclear as to how the new work permit policy will either provide the workforce they require or what costs will be incurred under the new controls to their businesses. The lack of clarity needs to be addressed. If not dealt with as part of P.137, then the detail will have to be provided as part of developing the necessary legislation. P.137 has been described and is described as an in-principle proposition as it sets the vision for new migration controls. But to work in practice it will require the changes to be enshrined in law. To do this, a further proposition will be required setting out the law behind the proposals. When the necessary law drafting has been done, then any legislation will again be reviewed by the Migration and Population Scrutiny Panel. We have no doubt that at that time all the necessary detail will be required, not only by Scrutiny, but by the Assembly itself, if it is to be agreed. This detail will clearly have to set out how each permission will in practice work for each sector. If discretion is to be allowed for any sector, such as agriculture, hospitality and construction, to allow for their specific needs, that detail needs to be provided. To briefly touch on other elements of the proposition, the panel agrees that the enhanced criminal record checks should be introduced for migrant workers and identity requirements for all permit kinds should also be enhanced. But this needs to be done fairly and not be discriminatory in any way. The panel are supportive of the need for an independent statutory expert panel to be set up that is diverse - and we have just discussed that this morning - it needs to be diverse and representative of Jersey's population in its nature. This independent panel should be key to informing the Chief Minister and Council of Ministers in the development of a new population policy. But should also be key to monitoring how migration controls are working and whether such controls should be dialled up or down based on various issues, including the vibrancy or not of the local economy. It is important that this panel is independent and will listen to the views of all stakeholders, including representative bodies such as the Chamber of Commerce, when considering whether controls that are in place at any one time are working or whether they need to be reviewed. Any potential changes could be sector-specific or look

more generally at migration issues. But the implementation of this independent panel is of utmost importance if we are to ensure that controls are reviewed regularly and are in the best interests of the Island generally. The independent panel should be seen to provide the same level of guidance that, for example, the Fiscal Policy Panel provide to Government, which should show Members the level of importance that Government should give to population and migration issues moving forward. It is the importance of this panel that was at the forefront of the panel's decision to lodge an amendment to P.137 that requested that the States Assembly approve the membership of the independent panel. I want to take this opportunity to thank both the Chief Minister and the Privileges and Procedures Committee for their helpful comments on the third amendment, which has led to the panel withdrawing their amendment. We only had asked them to consider an amendment and accept that the process to appoint the panel, a process overseen by the Jersey Appointments Commission, is adequately robust. The last section of part (c) of P.137 provides for a committee of States Members to be responsible for determining applications under the Control of Housing and Work Law in a similar way that H.A.W.A.G. (Housing and Work Advisory Group) do now. We support the need for this new group that is more diverse in membership than at present and includes non-executive States Members, as is the case with P.P.C. (Privileges and Procedures Committee) and other States bodies. This new committee should also include, where appropriate, input from representative organisations such as the Chamber and Jersey business to ensure that the impacts of any decision on a business are fully explored and appreciated. I have no doubt that some Members will be concerned about new housing and work controls being implemented at a time when new immigration controls have only just been introduced as a result of Brexit and the world is still experiencing the impacts of the pandemic. The panel's view is that there will be further opportunities to consider and review whether the controls contained within P.137 are appropriate when the legislation is brought back to the States Assembly for debate later this year. The Migration and Population Review Panel will continue meeting and consider when further reviews are required, whether it is the necessary legislation or the work to develop a new population policy. Some now hold the view that it is unlikely that there will be a long queue of workers to come to Jersey to work when travel reopens and that we do need to provide an attractive destination for any migrant workers and their families, whether they are highly skilled or less skilled. All migrant workers, irrespective of what job they do, contribute to the financial well-being of the Island and should be welcomed into our community. Policy development moving forward needs to have both European Human Rights and United Nations Rights of the Child Conventions at their forefront. Limiting these partners and children to accompany migrant workers will likely see Jersey fall foul of these conventions. But, more importantly, it will potentially have a huge impact on the family lives of migrant workers who move here, especially those that are less skilled and poorer. The Children's Commissioner suggests in her evidence to the panel that this policy fails to protect the family life of migrant workers and fails to meet the expectations of international law and conventions. Frankly, I tend to agree. We should accept that to get the best and most-committed migrants, it is vital to respect, promote and protect, the private and family lives of our migrant workers. We should be promoting Jersey as a jurisdiction that promotes good practice and a welcoming place for migrants to come. A place that supports family life, puts children first, and provides healthcare that is not discriminatory. To be clear, I will be voting in favour of P.137 as we do need to have the necessary mechanisms to limit migration. But to some degree I do so holding my nose as there is an enormous amount of work still required to get these controls over the line and an awful lot of detail, as the Deputy has always suggested, that is still required. I want to see how these controls work and how they will work practically. This is a view that was shared by many throughout the review. Business owners in agriculture, hospitality and construction, still need clarity as to how the proposed work permit scheme will work for them. For agriculture, there are major concerns around cost and how certain skills can be properly recognised within the 9-month, 4-year and 10-year permitted scheme. The panel, as part of its review, made a number of recommendations to the Chief Minister. We are pleased that the first 2 have been accepted and have led to the additional information provided to Members on Monday. We, as a panel,

appreciate the efforts that officers have gone to in providing this information. But I still believe there is some confusion that still exists over the relationship between the immigration permits and the potential new housing and work permits. If there are to be workarounds for any sector that finds the new 9-month Housing and Work Law difficult to operate, then any discretion needs to be clearly understood and decision-making seen as fair and transparent. I am pleased that the additional comments include a statement that: “Subject to the outcome of these important debates in 2021, clear policy and operational guidelines will be drawn up and published in line with the decisions that have been made and that these guidelines will ensure that businesses and workers have a full understanding of the controls and how they are being used.” Because clarity is essential as businesses look to recover from the effects of Brexit and COVID. The panel will be keen to review any such guidelines as they need to provide information in a way that can be clearly understood whether you are a one-man or one-woman band or a large company that have human resources available to deal with such. I wish to reassure Members that we as a panel continue to keep a very close eye on how migration controls and population policy are developed in coming months to ensure that all stakeholders, including local businesses, are properly consulted with and that all controls and policy are fair and equitable. I just briefly want to take the opportunity to thank my panel colleagues, Deputy Ahier of St. Helier and Deputy Truscott of St. Brelade, and our dedicated Scrutiny officers, for all their support, guidance and hard work during what was a short and very focused review. I also want to thank the Chief Minister and Assistant Chief Minister for allowing a short deferral of the proposition to allow the panel to conclude its work. We intend to continue to work collaboratively with the Chief Minister and Assistant Chief Minister to ensure the best possible outcome for Islanders in regard to migration controls so that they do what they set out to do and support an economy that is so vital in the long-term prosperity of the Island, both financially and socially.

1.3.3 Senator L.J. Farnham:

I am very pleased to follow Senator Pallett. He has a strong grasp of the economic importance of what we are debating today. I am pleased to have worked with him for the last 6 years and we both have front line experience of the challenges faced in that time by some of our key industry sectors. Ironically, as I think the Senator alluded to, Brexit may well prove to have been enough to limit immigration in the longer term.

[11:15]

The flow of staff from the E.U. (European Union) has been absolutely crucial to maintaining a flow of really good people to come in and work and live in Jersey and work for our key industries. We have to continue to access good people. We cannot underestimate the problems and challenges that will be created if we do not. Brexit is going to be a major issue because we will still be able to access people from outside the Common Travel Area, but of course the process will be completely different. It will be a similar process to the work permit scheme we have now and we have to work hard to make sure it is as easy as possible to continue to provide that flow of good people with relevant skills to come and contribute to our economy and to Island life. The idea behind this is this is something that has been discussed for a long time, and do not forget this was discussed prior to Brexit, was to increase the flow of labour to those businesses and sectors that need it, while reducing pressure on the long-term impact of our population. At the moment, businesses have to apply for permissions and they are limited by the number of registered permissions they can have. Of course they can employ any number of locally qualified people, but of course there are pressures in the labour market with certain sectors being the preferred choice, which means that tourism, agriculture, retail, do rely on imported labour. So I would hope that this scheme can lead to the 9-month, the 4-year, the 10-year, with caveats, because there are ways to extend for staff that become crucial, to extend the permissions. But what it means is that we should be able to access many more people to come and work in those industries, many more than perhaps permissions granted now. But of course the difference is not all of them will be able to stay. Some will stay, want to make Jersey their home or

meet or marry local people or just progress and become skilled and essential employees and will eventually go to the 10-year process and become qualified. But I see this as a positive to increase the flow of labour to those markets while not putting undue pressure on the long-term population issues. Of course I am extremely concerned following Brexit that it is going to be much harder to draw from the European market with the new restrictions in place or the new processes in place. But we have to work hard to alleviate those as much as we can. Of course, this all has to be connected to many other key social policies, not least Housing, because it is absolutely not just essential but vital that people coming to live and work in Jersey that bring families can be accommodated properly. I do not envy the new Minister for Housing and Communities, but I know that he is thinking about these sort of challenges already. I just want to say that, notwithstanding Brexit and the additional challenges this brings to us, I see this as, in the medium to long-term at least, once the world has settled down following Brexit, I hope it will be a positive thing. Because it will enable businesses, albeit on 9-month permissions and 4-year permissions, to eventually get more staff to manage their businesses. Again without long-term pressure on the long-term population, which is the ultimate goal, and of which this is just one of the first debates we are going to have.

1.3.4 Senator K.L. Moore:

I would like to start by expressing my gratitude to Senator Pallett and the members of the review panel who have produced an excellent report. Senator Pallett gave an excellent and wide-ranging speech. I agree with most of the points, although unfortunately I do conclude that I cannot support the majority of this proposition. I will only be voting for part (b) as amended. It is my view that the removal of automatic graduation is inappropriate and particularly so at this time. I feel deeply uncomfortable by some of the proposals of this policy, particularly the introduction of the 9-month permissions. I very much struggle to see that the relevant industries have been consulted. In fact we know, and it is very clear, that industries such as agriculture and construction have not been adequately consulted in this process. Therefore, greater thought is needed. This is about timing and I will support part (b) because I believe it is correct to have a robust policy on this important matter and to then implement the controls once that policy has been properly defined. I find it abhorrent that the Children's Rights Impact Assessment has not been conducted by a Government who purports to put children first. That should have been one of the very first acts to have been completed in this piece of work. It is deeply disappointing that it has not been done. If Members have not seen the submissions of the Children's Commissioner to the Migration Review Panel, then I would really suggest that they take a look before they vote on this matter today. Deputy Ward described this as a caste system based on economic value. I have to say I do, with regret, identify with that description. That sense of what was coming became very clear when we saw the *Estimating Government Receipts and Expenditure for Jersey Households* report, which was produced by the Government in February 2019. That certainly set the stall out in terms of what the Government considered to be important criteria for those living in the Island. That most certainly does appear to be based on who contributes in terms of financial contributions to the revenue of the public purse and totally disregards the other important contributions that people make as individual members of a community in terms of skills, in terms of demeanour, in terms of diversity that we have all spoken about so passionately over the course of the past day or so. There are, as Senator Pallett highlighted, many uncertainties at this time and, as Senator Farnham just said, it is harder potentially to draw people to the Island in this post-Brexit, post-pandemic, or time of pandemic. We know that already many Islanders are finding the Island unaffordable and we are seeing people leaving the Island, taking with them their skills that we desperately need, because they seek to find a more affordable life for themselves and their families elsewhere. We are struggling to find people with the relevant skills that we need, important skills in healthcare and in education. So we need to, first of all, understand what skills we need here, how we can encourage people to live here and achieve an excellent quality of life for all, and especially for children who do not have the same choice that economic migrants themselves have. There are also impacts on single people. We often see people marrying or taking important decisions because of

the restrictions that Housing places upon them. All of these things need to be taken into account properly so that we can have a considered and careful policy, not measures such as are being proposed today by this Government. So I look forward to hearing the rest of the debate but I will only be supporting part (b).

1.3.5 Deputy S.G. Luce of St. Martin:

It is a bit of an understatement to say that the general consensus across the Island is that there is a need for both migration controls and a new population policy. Along with housing, those subjects are probably the most discussed among Islanders. I think everybody is going to agree that it is vital that both these policies, immigration and population, whenever they come in front of us, must be based on up-to-date evidence and relevant current data. Almost everyone is going to agree that the levels of migration seen in recent years of over 1,000 per annum are unsustainable and they are putting increased pressure on all our services and infrastructure. Something needs to be done. However, there is no doubt that many sectors of local business have suffered greatly in the last 12 months and especially during the 2 extended periods of the COVID pandemic lockdown. Looking at the responses to the Scrutiny review, it is very clear that many of these businesses believe that the timing of both introduction of restrictions and their withdrawal, were not fully thought through and may well have unnecessarily damaged local business. We are far from back to work yet. We do not know who remains to fill the jobs that we hopefully will see coming back online and available very soon. Then there is Brexit. Clearly the impact of Brexit has not yet been fully understood. In particular, we do not yet know exactly how many changes will impact those who are both seeking work and employers who need to recruit their workforce from outside the Island. Both of these issues, Brexit and COVID, are interlinked and it is vital that we fully understand how one affects the other and how we are going to get our economy going again before any major changes are made to our current migration controls. I am clear that no unnecessary hurdles should be put in the way of Jersey's economic recovery in the coming months and that any new immigration controls that could impact that recovery, if applied too severely, should be resisted. We need to tread very, very carefully. Government must have accurate data on the current population, the size of the local workforce and the movement of labour, both in and out of the Island, before any final decisions are made. Government will also need all the information from the census to develop its population policy. The Chief Minister tells us regularly that he acts on data. But he cannot have the required information to make the decisions on population at this current time. New migration controls should not be introduced until we have accurate baseline information. Do we know the effects of Brexit? Do we know the effects of COVID? I would venture to suggest that we do not. The devil in the detail of any proposed policy, which will come to this Assembly at some time in the future, will clearly have to set out how each permission will work in practice for each sector of the economy and if any discretion will be allowed for specific sectors such as agriculture, hospitality and construction, to allow for their particular needs. It is likely there will soon not be a long queue of workers looking to come to Jersey. That might be because of Brexit, COVID, the exchange rate, our cost of living, a host of reasons. So we do need to continue to provide an attractive destination for any migrant worker and their families, whether they are highly skilled or less skilled. It is clear to me that all migrant workers contribute to the financial well-being of the Island and they should all be welcomed into our community. But we do need to have the right controls in place. Then I come to the issue of a reducing population.

[11:30]

A falling population can result in significant social and economic challenges. A shrinking labour force, a lowering of the tax base, all of those make it more difficult for us to maintain roads, schools, medical facilities and other public services, which in turn makes it difficult to attract those new immigrants that I have just been talking about and, for that matter, prevent Islanders from moving elsewhere. Continued migration from Jersey will in turn disrupt social ties by separating people from

their friends and their families. With fewer people paying our various taxes, there would be less money to spend on those public services and healthcare facilities. But maybe more importantly, private businesses, including small shops, restaurants and other establishments, are just less likely to operate. That in turn leads to a reduced standard of living. At the same time our population continues to age and increases the need for medical attention and the other specific public services. But now let us very briefly consider the loss of young people from our Island. Most people leaving small communities such as ours are either young adults between the ages of 17 and 24 or families with young children. Although they leave for a variety of reasons, the most common, to attend university, maybe to find jobs, or just to escape the cost of living or specifically the cost of housing in Jersey, which is getting greater and greater and more onerous on families, et cetera. The loss of young people and families, those that do not return, has far-reaching consequences for communities such as ours. Young men and women, those who stay or those who go away and come back, who would normally become part of our local workforce, establish their own local businesses or just generally contribute to Island life, if they go, then they have instead exported their talents and energies elsewhere. Without younger generations to replace the older ones it will eventually become even more difficult to run this Island, and that is putting it mildly. Sensible controls on the ability of anyone to come to the Island are important. But we just cannot go too far or make things too restrictive. Depleted of our younger generations, we will be left with an increasingly ageing population. Although populations on the whole are growing older, I accept that, the change is occurring much more rapidly in communities such as ours, as our population continues to age. If our young people and families continue to leave, the labour force will shrink even further and push local businesses and our economy into a deep decline. At the same time, the ageing population places greater demands on the already limited healthcare facilities and all this on top of COVID and Brexit. I will leave it there. We all complain about the increasing population and the effects of more and more people on our infrastructure. But, and I cannot stress this enough, the challenges we face with an increasing population are by far the best type of population problems we face. The alternative, a decreasing population, and the problems I have just outlined, would make the issues we currently face look small and insignificant. I am going to vote for this proposition today but I am not particularly happy to do so because it is so vague. But I will be looking very, very closely at the detail when it comes back. We have to do something to tighten up, I accept that, but keeping Jersey working, economically buoyant, happy, content, beautiful, and a place that others want to visit, is my priority. Let us move forward, work together on this. Let us keep inward migration low. But let us keep the economy functioning successfully. Most importantly, let us see the effects of Brexit and COVID before we make any decisions.

The Bailiff:

Deputy Morel, you have a question for the Attorney General?

Deputy K.F. Morel of St. Lawrence:

Yes, if you do not mind. I believe the Attorney General might be able to help, it is with regard to part (c) of the proposition. The question I would like to ask is, should part (c) pass today, does the States of Jersey Law, or any other law, bind the Chief Minister to bring back legislation, which includes the detail of all those parts of part (c)? So the 9-month permission, the 4-year permission, and so on and so forth. Would the Chief Minister, should part (c) be passed, have any room in which to change those parts? So, for instance, he may wish to bring back a 12-month permission instead of a 9-month permission.

The Bailiff:

I can assist on that, Deputy, because it is a matter of construction in part of the proposition itself and that is a matter for the Presiding Officer. (c) is to request the Chief Minister to bring forward. The Chief Minister therefore does not have to meet that request. The consequence of not doing so may

be political consequences, but there are no legal consequences, because he is merely being requested. If he comes back with a different type of rule or regulation then, if that is justified to the Assembly, presumably the Assembly will be content with that variation.

Deputy K.F. Morel:

Thank you. So there is no law in the States of Jersey, no aspect that binds the Minister to carry out the proposition?

The Bailiff:

All I have done is construe the proposition. I cannot go further than that. So I will ask the Attorney if he wishes to add anything to that from a legal perspective.

Mr. M. Jowitt, H.M. Solicitor General:

It is the Solicitor General and, no, thank you very much, I have nothing that I would wish to add.

1.3.6 The Connétable of St. John:

It has been my very great privilege to work on and chair the Housing and Work Advisory Group and during that time I became aware of the shortcomings of the current immigration policy and the current housing and work laws. It is generally accepted that the population is increasing too rapidly and that in turn means that a stricter immigration policy is needed. The frustration on the Housing and Work Advisory Group, H.A.W.A.G., was the lack of control. Permissions would be given but there was not the ability to retract permissions so easily. What would happen was we ended up giving registered permissions, which in turn progressed to entitled permissions once that person had been here 5 years. Invariably, that business would lose that employee, but they would maintain the registered permission and so simply imported another person to employ in place of the person who has left, having gained entitled qualifications. It was that progression, which was very ably demonstrated to us by Duncan from the Statistic Unit, and it became known as the Duncan shuffle, and he illustrated that extremely well and it showed how the workforce coming to the Island as a registered worker moved to entitled worker and there was no means of controlling that. This proposition is to give greater control. That is the importance. It is not necessarily to decrease or increase the population. It is to give greater control so that we are able to increase the level of migration if it is needed as well as decrease it if it is not required. There was something else that concerned me considerably on the H.A.W.A.G. committee and that was that many businesses came requesting for a licence for a registered worker. The reason was purely financial. Because employing a registered worker meant that they could pay a significantly lower wage than an entitled person. That was discriminatory and it made me feel extremely uncomfortable. Because a business should pay a proper wage. It was people with business models that were not working that resulted in many applications to the H.A.W.A.G. committee. It has been suggested that we currently do not have a 9-month permission and is a 9-month permission correct? We do have a 9-month permission at the moment because many agricultural permits are 9-month registered permits. So there is nothing new in that. There was also a criticism that the agricultural industry had not been consulted. The chairman of Jersey Dairy was full of praise for the Policy Migration Panel because he said nobody had ever consulted him so intensely before. So I would strongly refute that allegation. Jersey needs to do something to improve its migration control. This is a good way forward and it will give us the control, the greater level of control, that we need. There are 2 particularly important aspects: one is that we will be able to now check the criminal backgrounds, or lack of criminal backgrounds, of individuals coming to the Island. That is important. Secondly, we will be able to hopefully welcome those who come to Jersey wanting to be part of our community, to welcome them into our community on a full-time basis. This is an in-principle debate and it is the principle of introducing a different mechanism. The Deputy of St. Peter described it as 2 leaky taps and we are replacing it with a new set of taps. That is precisely what it is. I would urge Members to support this because it is a positive way forward for the Island going forward.

The Bailiff:

Deputy Martin, do you have a point of order that you wish to raise?

Deputy J.A. Martin:

Yes, I have put in chat. You asked if anyone else wants to speak. The Constable of St. John said he did and then Deputy Morel did and then there were 2 or 3 other speakers. Now Deputy Morel has said to ignore his request to speak. I put in chat: "Is that not to speak at this debate?" Because people are sitting on their hands. We do it in the Assembly. We need to do it on chat. But basically I am asking what is the ruling. It may not be a point of order but I think it is.

The Bailiff:

I am not sure there is a ruling that I can usefully make. The reality of it is that, if we were sitting in the States Assembly, Members would put on their lights, I would call on the next one in the old way, and then it would be up to Members whether they put on their lights again after the person has spoken. There can be a number of reasons why individuals choose to indicate that they do not want to speak, then or in the debate at all, or indeed at that point. I understand, from looking at the chat, Deputy Morel has suggested that the reason he wished to defer was that he wished to conduct some further research. It must be open to people, and I would not wish to see it being abused of course, that people who said that they wished to speak and then thought on reflection they needed to check something or look it up and did not want to be called on for that purpose, and to ignore it, I do not think that precludes them from seeking to speak later in the debate. The risk that individuals run if they sit on their hands, and I entirely take that point, Deputy Martin, is that I will say the debate is closed and it will be too late. We have done that on more than one occasion in the past. I do not think I can rule any further than that I am afraid.

1.3.7 Senator J.A.N. Le Fondré:

I was wondering if I might have dropped my paperwork to allow somebody else to go in front of me, but there we go. On a more serious note, can I start off by thanking the entire team that has put so much work into getting us to this stage. By that I reference absolutely the members of the original Policy Development Board, which was the Connétable of St. John, Deputy Martin, Deputy Young, Senator Ferguson and the Deputy of St. Peter. There are 3 other members of the public who gave their time voluntarily during quite a long process, who I presume it is not appropriate to name directly. But one was from the Chamber of Commerce, as nominated, and one at that point was nominated by the Institute of Directors as well.

[11:45]

But I absolutely do commend the work that they did. I certainly want to place great credit to the Connétable of St. John for the work he did in leading that panel. Deputy Martin did the final wrap-up. Then the Deputy of St. Peter was a willing volunteer, or at least he was when I asked him to take this work forward. I very much commend his work as well to the Assembly. I am looking at the report and proposition that has been filed and it is something like 337 pages, it is, I would suggest, an indication of the thoroughness that has taken place. I will make some minor points and then I will get to the nub of it. The minor points are obviously with some in agreement, vehement agreement with some speakers who have talked about the need for better data, which we have absolutely recognised as one of the pieces of work that came out of the work that has been done. In that instance, as we have said, in terms of the I.T. systems, a project manager is in place and the implementation is still scheduled at present for completion for this year. Then that will give the responsive information and data to enable future Assemblies as that policy develops to make and assess the impact of possible population policies. I am obviously looking ahead in about 5 years or whatever and then how they can be made more effective going forward. I think also to be clear, we have not been sector-specific in any of the permits. We have listened and the panels have listened. I think the Connétable of St.

John has referenced that to various other Members. But it is not a case of agricultural workers only on 9 months and the bankers only on 4 years, for the sake of argument, it can be applied across to whatever is flexible to the individual applicants. I make one correction, which was there was reference to ... I think it was one of the first reports issued by this Government - I believe it was the expression of the Government - which I assume was reference to the report which is entitled *Estimating Government Receipts and Expenditure for Jersey Households* and that was a report produced by Statistics Jersey. It is not, strictly speaking, a Government report, although we have obviously incorporated it because it was work commissioned in anticipation of the data, putting some data together where data did not previously exist. But if the Assembly votes for this proposition today it will represent a very, in my view, significant step forward in identifying a robust set of controls over population. But let us be clear; if we, as politicians, want to live to our commitments of starting to tackle population and if that means being able to reduce the growth, for example, that has taken place over the last 5 years, obviously excluding 2020, of over 8,000 people a year, then one has to have controls and we can then wrap the policy around that. We can be assured then that we will have a policy, whatever that policy is, that can be enforced. But also we must not be under any illusions that having effective controls will involve difficult and ethical challenges because at some point it will involve having to say no. Certainly and particularly from our experience as Ministers and as Assembly Members as well, over the last 12 months saying no is difficult and it will involve having political backbone - and that is to speak to an observation by Deputy Pamplin, with which I agree with - but making informed political decisions. Jersey has long been recognised for being calm and for making calm, rational decisions, and I very much hope that we will continue to be in that position. That involves having the data and the information to make those decisions and to base those decisions upon. I agree with much, for example, of what was said by the Deputy of St. Martin and others who said about supporting our economy in what has been difficult times and that is all about, in my view, the policies. It also shows, from all the comments that have been made, how difficult this subject is. But today is about controls, it is the tap - and the analogy has been used on a number of occasions - that can be turned on, it can be turned off or left as it is. The policy is how much and in what direction it gets turned. I am not going to spend too much time further. I will be listening with great interest as to the efficacy in which the Deputy of St. Peter sums up and addresses everybody's concerns, as in the summary position, on this debate. But I absolutely commend the very thorough piece of work that has been done to get us to this point of putting controls in place. On that basis, I hope many Members will be supporting this proposition.

1.3.8 Deputy J.M. Maçon:

A lot of my points have been covered, so I will stick to Standing Orders and do my best not to repeat anything. All I really wanted to add, I suppose, is recalling back to 2018 I remember being in the audience of the St. Helier No. 1 hustings and there was a young lady there, must have been between 20 and 30, she stood up and she put her question to the candidates and she said: "I have gone away, I am a teacher, I am qualified, I have come back to the Island because I want to work here but, for me, just the cost of living and being able to do all the other things I would like to achieve in my life, lay down a family, *et cetera, et cetera*, I just do not think is going to be achievable here." While I appreciate this is a debate on the control mechanisms, it is a bit of a chicken and egg situation, is it not, between what the population policy and what the controls are? For me, I have been in this Assembly almost 13 years and this has been on my manifesto at every election and this is something which I feel is something that the Island has been calling out for decades. I appreciate absolutely what the Chief Minister has just said, this will mean at some point saying no and perhaps saying no more often, which is obviously going to be uncomfortable and it is going to be difficult. But, again, if we want to retain the people that want to be here, the Islanders that want to stay here, we do need to start making these very tough political choices. Therefore, this proposition, for me, has my full backing because I think it is well overdue.

1.3.9 Deputy M.R. Higgins of St. Helier:

I will be very brief. This, as Deputy Maçon has just said, is part of a policy that has been long overdue. Again, we came into the States about the same time. We know people have been going on about population for all this time and we have not come up with a solution because repeated Governments have kicked it down the road. It is important it is addressed in this Parliament. What I will say is that many of the problems we have, other problems we have in the Island, are directly caused by population, an increased population. I am not one calling for a total ban, you cannot do that, but we have to have a measured way forward. When I talk about the problems that we have, just have a look at St. Helier. St. Helier is being piled high with apartments to try and cater for the housing needs of this Island. Certain areas of St. Helier are going to be so densely packed it is going to be ridiculous. Then we need schools, then we need more services. We are talking about an £800 million hospital. All these things stem from the need and the increase in population over the last 13 years has been criminal, in my opinion. We have had no controls, as we have heard from the explanation of why we need these new migration controls. We are told we had a leaky faucet, well we have had it for 13 years and repeated Governments have ignored it. I am going to support this part of the migration policy but what I will say though is I look forward to seeing what the Government is going to produce before the end of this year and I want to see that it is robust. Can I just say something for all the special interests that have been lobbying all States Members? Yes, we know that many of you do need employees but many of you are bringing in cheap employees, low-paid workers to make up for the fact that you are not paying reasonable wages to locals who do not want to work in your industries. It is not just simply population, it is about this Island and the values that we hold. If we do not pay people enough, for example, as we were saying yesterday in some of the questions dealing with social security, we end up paying £30 million to support rent and we are paying considerable sums of money to support other aspects of our society. We have got our values wrong, we need a total look at what we are doing. One of those, and I make no apologies for this, we need to look at our tax system. We need to see who is paying taxes, who is not and try to get the balance right. I will just say that the migration policy, yes, I will support at this time and I will be watching very closely what is coming forward when we get more data. But, as I say, all the special interest groups, yes, I know you want workers and you want the freedom to do it, start looking at your business models. You cannot always expect to get low-paid workers come in and then to that add additional pressures on to our Island economy and pressures in other services provided by Government. Let us have a total review, not just a population review. I will finish with that and just say I do support this proposition.

1.3.10 Senator S.Y. Mézec:

I must say I think there have been some cracking speeches in this debate, irrespective of whether I agree with all of the conclusions that all Members have put forward but some really have, I think, drilled down on some of the really important issues here. Just quickly in response to one of the points that Deputy Higgins made towards the end of his speech there about the tax system; he might want to have a look at the answers to the written questions I got for this States sitting, which show how unfairly distributed the tax burden is spread over different income brackets in Jersey. That is another issue that I think too many have had their heads buried in the sand over and how by resolving our tax and spend issues and how we fund our public services properly would inevitably have a huge impact on what sorts of population policy we would need or how we would need to react to the needs of businesses when they do need to bring skilled workers in, et cetera, so all these issues are interlinked. My corporate memory on this subject goes back to when I was first elected in the by-election in March 2014, so just before the general election of that year, where the then Government brought forward an interim population policy which set limits. I do not really know if the word “limit” is appropriate, maybe it was more of an aspiration that migration would be a maximum 350 a year. The States accepted that interim population policy on the basis that there was then, I think, just over a year after that, meant to be a full population policy that would come forward and it never did. The interim population policy eventually expired and in the time that it was in place the limits that it set

were never reached once and in fact they were exceeded in some years by over 3 times. It was only towards the end of that political term, the 2014 to 2018 term, that further population policy was published, although it never ended up being debated in the end and was withdrawn, withdrawn in deference to this political term, the 2018 to 2022 term, where we would once again convene to come up with a population policy. Here we are a year and a bit away from the end of this political term and at this point we are not even debating a population policy, we are debating a migration policy and one which we do have to say is rather thin on detail. The fact that we are here with this iteration of this debate, having spanned over what will essentially be 4 political terms because this proposition requires the next Council of Ministers to form a common population policy, as far as I can remember back in this subject, it is spanning 4 political terms with only one proposition adopted in that time but never abided by with multiple U-turns in putting its population policy together that have taken place in that time.

[12:00]

That must surely stand as a damning indictment of our political system that it has taken so long to get to this position, so many U-turns, over 4 political terms and here we are now debating not a population policy but a migration policy. I hope that people will start to get the memo that this is what you get when you have got such a rubbish political system like we do and this debate taking place so soon after the debate on the hospital, which, frankly, has been even worse than this in its conduct. If we want to see credible policies put in place, then we desperately need to reform how we do politics in the Island, so that we do not end up in the situation we have been in during that time where the longer the issue has gone unresolved, the longer we have been living in a situation where we have the worst of all worlds; no real control, no real understanding of the implications of the policy that is in place and no ability to tinker with it or direct it in a particular way that we think might be more in line with our needs as a community. That is frustrating because it is such a fundamental subject to the well-being of our society in every single way. Part (a) of this proposition, which, I guess, is the in-principle bit, while I might, I think, perhaps have some philosophical reservations about, it does make a point well that we would gain much greater control if we had the ability to have workers coming to the Island without the presumption that they will graduate to have full rights of establishment and work like the rest of us do. I have some philosophical difficulties with that but it is logical, it does make sense and it does give us greater control to, essentially, create a future that we can feel we will be better placed to deal with for the other associated issues. But the difficulty we find ourselves in with this particular proposition - I think Deputy Ward stated it very well in his analysis early on in the debate - is that there really is so little detail in this. We have got a proposal for a different system in terms of the 9 months, the 4 years and the 10 years; that is different to what we have got now. There may well be logic behind those specific suggestions but when you read through the report it admits that there is so much that is not to be decided at this point and will be reviewed later on. That is to do with things like what these people's rights to access healthcare will be when they are here, what rights their children will have, what rights they may have if their life gets turned upside down when they happen to be living in Jersey. I have to say that that really is not good enough to put us in that situation now. To ask the Assembly to agree with the principle of a system which does not allow the graduation of people to entitled status is something that we probably could have got our heads around much earlier in this term and agreed on and then set the Council of Ministers on to come up with the detail, so that we may be able to reconcile with our consciences that we are going to have people move to the Island and be treated like human beings and that is my concern with this. I simply cannot reconcile with my conscience the idea that somebody could come here and right now I cannot guarantee because of a political decision that has or has not been made that a person can come here and after a year get sick or end up in an accident where they are quite badly injured and will not have the full rights to healthcare without the astronomical costs that might otherwise come with it and be okay at the end of it. I have no guarantees of what could happen if somebody comes here on one of these licences, ends up falling in love and

having children with somebody, what rights will those children have and what rights will they then have if that was with somebody who was entitled but then they do not get their 4-year permit renewed or have to leave for a period of time in a really important moment in their children's life or something like that? When these moral questions remain unanswered I think that makes this debate utterly impossible, how this lack of detail means we cannot say that we know beyond any doubt that we are upholding our commitments on putting children first. Senator Moore, I think it was, who mentioned the lack of children's rights impact assessment, that we should have had at least some version of that at this point. When we have questioned Government Ministers in briefings, they have given some good words on that and I will credit the Deputy of St. Peter who, when I asked him about these issues, he gave an answer that I think aligned with my particular values on it but that is all it was. It was an answer in a briefing, not something that is featured in the wording of this proposition and not something that we can guarantee will feature in the legislation further on down the line. I think we have been let down by this process for that reason. There are businesses that have raised concerns about their ability to recruit and that will be understandable and there will be extremely difficult things to weigh up there because there does have to be a point at which you say to a business: "No, you cannot do this because it may well be in your business's interest but it is not in the interests of the wider community." From my time serving on H.A.W.A.G. I know how difficult that that can be sometimes but it is important to listen to those concerns anyway. Perhaps far less articulately than others have in this debate, I wanted to put those points on record that it really is not good enough, when we are talking ultimately about human beings and their lives, to put something before us that accepts the principle of these particular types of work permits or licensing arrangements, whatever you want to call them, which will then set off the full weight of the civil service to go ahead and begin preparing for and putting that work together without us having given a clear and unambiguous declaration of what we will expect for these people and their rights when they are here, to know that when they are coming to the Island that they will have the absolute best on offer or feel that it is worth coming here to work and know on the basis what understanding they are doing that. For us to risk then getting even closer to the end of this political term and having to rush something through or having to put up with something second rate because at that point the alternative will be we proceed with nothing and then where will we end up then? Perhaps this issue spreading over 5 or 6 political terms because we could not have dealt with it properly. I think the Assembly really is in a bad position with this proposition. I hope Members will think very carefully about how they vote on it. I hope that the proposer will take this in different parts so that he can get an understanding of what strength of feeling there is and what actions he will have to take to address those concerns, rather than just score it a cheap political victory through a different parliamentary tactic, and I ask him to consider doing that. I hope Members will have gone through this experience understanding how broken our political system is that ends up putting such inadequate propositions in front of us like this on such an important issue. That is all I have got to say.

1.3.11 Deputy S.M. Ahier of St. Helier:

This proposition is not, as some had hoped for, a form of immigration control. It is only a framework for changes to the Control of Housing and Work Law, which may provide a mechanism for controlling the level of migration in the future. It is not a population policy, which is what we have all been waiting for and which we may yet have to wait for a good deal longer. That said, it is imperative that the new permissions are clearly defined so that both business owners and those coming to seek work are fully aware of the regulations and how they will be affected. Given that this is a census year, one wonders whether this proposal could have been delayed until that vital information had been collated. Another unknown is the extent to which Brexit will impact our ability to attract seasonal workers and if this ability is greatly diminished it will have a damaging effect on the hospitality industry which relies so heavily on this resource. There is also the COVID factor to consider. Work practices are changing dramatically in response to the pandemic and it is possible that many businesses will choose to take advantage of this new reliance on working remotely, rather

than seek licences to relocate workers from elsewhere. All of these developments should have a bearing on a well-considered migration policy and it is of concern that we may be putting the cart before the horse in not passing a population policy first. Concerns have been raised by some businesses about the inflexibility of the new work permissions. Specifically, it has been queried whether discretion could be shown to certain industries based on their sensitivity to these proposed measures. It is certainly my hope that the policy to come will take into consideration the different needs of various sectors. Some examples include the construction industry where a building project might last for years and even overrun; the dairy industry, which would struggle to hire a herdsman if a permission were only to be valid for 9 months of the year; and the hospitality industry, for the reasons I have already mentioned. But it is accepted by most, if not all, that a common policy for migration and population is necessary for the sustainable future of our Island. The Migration and Population Review Panel has taken many submissions from concerned parties and engaged with each of the relevant sectors. Many we have spoken to said that they recognised some form of migration policy would be required but that further consultation and flexibility would be required if they feel they could support one. It, therefore, seems prudent to vote in favour of this proposition but I think I speak for all of us on the panel when I say that we look forward to readdressing these issues that I have raised today when the regulations are put to the Assembly. Jersey's chief statistician said only yesterday that he did not expect the results of the census to be published until early next year. I sincerely hope that the policy to emerge will take those findings into account.

1.3.12 Deputy K.F. Morel:

I would like to thank everyone who has spoken so far in this debate. There are a number of people whose thoughts have chimed very closely with mine and I will not be trying to repeat what they have said. But certainly a lot of what Deputy Ward said is along my lines of thinking and I share many of his concerns as well, the same with Senator Pallett and Senator Mézec as well. But also the Deputy of St. Martin, who quite rightly raised concerns about the impact on the economy, given there are so many unknowns. Life is always uncertain but life was more certain back in 2019 than it is today in 2021. We do not yet know the full extent of this pandemic on the Island's economy and, perhaps in many ways more importantly, on the global economy and how that will eventually filter back into the Island's economy as well. Before I go any further I would like to kind of place on record the request to split the votes into separate parts for this and so I hope the Assistant Chief Minister will give the Assembly the benefit of being able to vote on this proposition in separate parts and I will explain why now. Part (a) I think is something, although as Senator Moore has said she does not agree but most people are able to agree with and that is: "That action should be taken to provide more responsive controls on the number of migrants who acquire the right to settle permanently in Jersey and to remove the automatic graduation from one permission to another."

[12:15]

I think a lot of people in the Assembly are likely to be able to agree with that and so vote for that principle. The second part, part (b): "To request the Chief Minister to bring forward amendments to the States of Jersey Law 2005 to require the Council of Ministers to develop a common policy on population." Equally, I think, as we just heard from Deputy Ahier, many States Members agree with that. The problems that I personally have with this proposition all lie in part (c), which is why I would like this to be split when it comes to the vote. There are 2 principal reasons for this; the first is one I have spoken about already, which is the enormous uncertainty with regard to the health of Jersey's economy. The actual population we have as we stand here today, we do not know how many people have left the Island due to the pandemic. We do not know how many people have stayed. We have no idea of the reality of Jersey's population situation as we stand today. That is very important because we do not know how the population is able to work in the economy as we stand here today. We do not know where there are people missing for jobs, where there are not people missing for jobs, where there are too many people for certain types of jobs; we have no idea of that

as we stand here today. Part (c) is very prescriptive, it talks about introducing 9-month permissions, 4-year permissions, 10-year permissions and so on. The reason I asked the Attorney General - and I was pleased with his answer - about whether there is a legal binding on the proposer to carry forward those parts is because I do not believe we are in a position today to know whether those are appropriate permissions. They may well not be because we do know that the work undertaken for this proposition was done pre-pandemic. We know that these permissions are the same, essentially, that were brought forward in the interim migration policy back in 2019, I believe but I may be slightly wrong on that. Given that this is old work and the world has changed dramatically since then, I think it would be unwise of this Assembly to place any political pressure on the Chief Minister and the Assistant Chief Minister to bring forward specifically those permissions. It might be that in the course of the coming year that the work that is done confirms that these are the right permissions, in which case there will be no problem with the Chief Minister and the Assistant Chief Minister bringing these exact permissions back again as proposed legislation. But it might also be that they are completely inappropriate permissions going forward. For this Assembly to politically tie, if not legally tie, the Chief Minister to such a prescription I think is deeply unwise. I would ask the Assembly to not vote for part (c) because that will then give the Chief Minister the freedom to work during this year to come up with the very best permission statuses for the economy going forward, given the better understanding of the economy. This also chimes with representations that States Members have had from the Chamber of Commerce and also the Jersey Hospitality Association, who have quite clearly said that they are very concerned post-Brexit, post-pandemic that these extra controls would be inappropriate for a recovering economy. I do ask Members to join me in not voting for part (c), purely to give appropriate freedoms to the Chief Minister to adapt the Government's answers on the right permissions. The fact that we will have voted through part (a) still means that we expect permissions to be brought forward and we are just allowing them a blank page in terms of deciding which is the best way forward. Another part of part (c) that I feel is inappropriate, and I have said before, is part (vii) which provides: "For an independent statutory expert panel to research and advise on population matters." The reason I believe this is inappropriate is because, as we see with the F.P.P. (Fiscal Policy Panel), this is, effectively, an outsourcing of decision-making and an outsourcing of democracy in the Island. Ministers never, at least openly, question or oppose the F.P.P.'s advice. What the F.P.P. says goes, is from my observation of what has happened in this Assembly since I joined it. The trouble is, is for all the wisdom on the F.P.P. there is no accountability there. What we see is that Ministers are perhaps - and I use this in a broader sense - lacking courage to challenge the F.P.P. or to go against the F.P.P.'s recommendations and yet the electorate Islanders are unable to challenge Ministers because the Ministers always point to the F.P.P. and say: "They said this was the best way forward, so we are doing that." I believe strongly that it should be the right of the Government and whoever is the Chief Minister and whoever is the Minister for Treasury and Resources and whoever is any Minister at any time to make these decisions themselves. I believe the electorate wants Ministers to make these decisions themselves. If a future Chief Minister should decide that they want to create their own advisory panel, that is absolutely fine and they can do that but not to make it law is incredibly important. Because the moment that panel becomes law, that panel becomes the effective decision-maker. Yes, people will say or the Ministers will say: "But they are just advising." That may be so but, as we see with the F.P.P., they effectively become the decision-makers. I have had it up to here with this outsourcing of democracy in Jersey. It is inappropriate. Time and time again we are seeing that political leadership of this Island is being eroded by independent boards being placed at the decision-making end of the political process. Conversely, at the other end, the regulatory end, we see a lack. I mentioned the lack of an independent environmental regulator; that role still sits with the Minister. Regulation should be independent. Advice and decision-making should be political and should not be outsourced and I feel incredibly strongly about this. I do not want any Chief Minister to be bound by a statutorily established board that will mean that the Island is for ever ... the population policy basically being decided by that board, not by the political States Members that are elected by Islanders, it will be this board.

Essentially their appointment was overseen by the Appointments Commission and the obfuscation and lack of clarity that that brings. I ask Members, by voting for part (a) and part (b) you are in no way stopping the Chief Minister and the Assistant Chief Minister from bringing forward the 9-month, 4-year and 10-year permissions that are described in here. You are in no way stopping the Chief Minister and the Assistant Chief Minister from setting up their own board. But what you are doing is giving them the freedom to rethink, given the incredibly uncertain times we are in, given the fluidity of the world we live in at the moment, the Assembly would be offering them space to rethink and to rework the policies to make sure that we do in fact get the very best migration controls that serve both the economy and enable us to control population growth more effectively. I will reiterate that, please feel free, vote for part (a) and part (b) but please vote against part (c). Do not vote for part (c) because that ties the hands and there is absolutely no need to do that.

1.3.13 Deputy G.C. Guida of St. Lawrence:

This will be a little bit awkward because I was intending to go strongly against the last speaker but I find myself completely in agreement with him. Basically, one thing about the measures that this proposition tries to introduce is that they are, in principle, the only one that we can introduce. There are tools and they have to fit with the British immigration laws, as we are part of the Common Travel Area, so we have to fit that and they have to fit with our own housing laws. Basically, the terms that are described there are what is possible. How we apply them, of course, is up to us. It is up to the policy that we still have to design. But those are the only tools that we really have available, so there is not much leeway in that either. I agree again with the previous speaker entirely that if we skipped paragraph (c) then we still leave the Government with an open book on what measures they want to use. Also, I completely agree with him on the fact that the panel should be advisory, that we really do not need statutory panels that is delegating our own work for the people and there is very, very little point on that and especially in a matter such as immigration, which is only of relevance to people already in the Island. It is very, very difficult to look at another country and say: "That is how you should manage yourself around immigration matters." I can imagine very, very good economists telling us what will happen to a sector of the industry if we apply a brake style a little bit too strong. But to be a statutory panel and tell us how we can accept people in or out of the Island, I really do not see that. First of all, I would like confirmation from the Assistant Minister on whether he is happy that getting rid of paragraph (c) still gives them the freedom of creating those tools, which are desperately, desperately needed. As I said, the only ones that we can bring, the only ones that can exist, and after that I would be very, very happy to vote for (a) and (b) and just keep (c) and give them the freedom that they need.

1.3.14 Deputy G.P. Southern of St. Helier:

I will speak only briefly to express some of my concerns about what is going on here. The first thing is, is this is such an open-ended proposition, described as "in principle" but the principles are hard to define. The question in my mind is with such a lack of any detail whatsoever about rights or about obligations or about transfers, it seems to me that I must ask the question: what is this hiding? What is the real plan? Then that takes me on to the next stage, which is to say: and is it critical that this has a certain timing? When are we going to know if we have got a policy that works to keep our population down? We will not know until very close to the next election. Call me cynical but I think had this Council of Ministers not come up with something to say: "Look, we are doing something about population, it has been your concerns over the past 20 years and we have not dealt with it but now we are dealing with it." But in the timescale that this appears the answers, it will not be clear, that this plan is working either. That makes me think extremely cynically that all this is is a face-saver and that it enables the Council of Ministers to go up in the next elections and say: "Look, we are doing something about population and migration, vote for us." Whereas had they come with nothing, to have something to place in front of the electorate, they would have been slaughtered. That is the thinking, I think, which explains why this is such an empty proposition, an in-principle

proposition. Because it serves its purpose of getting this Council of Ministers through the next election and, I suspect, that that may be all it does, although I am tempted to say that with the lowest minimum wage of all our rivals and colleagues and neighbours and following from Brexit, it seems to me that rather than having too many people we too may be in a position of other small island communities where the problem is going to be attracting enough people to our shores because I think we are in for a tough time.

[12:30]

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak on the proposition? If no other Member wishes to speak on the proposition, then I close the debate. I note, Deputy Ward, you asked whether you could raise the question of the questions that you asked to be addressed in the summing up. I am afraid not; that would amount to a second speech. Doubtless, the rapporteur will address those that he wishes to address in his summing up. I call upon the Deputy of St. Peter to respond.

1.3.15 The Deputy of St. Peter:

Thank you everybody for taking part and those especially who listened in these really important debates. We have covered a lot here. I think, firstly, I would just like to reassure Members that while we have discussed the word “in principle”, this is about migration controls. It does not mention any numbers up or down, it does not relate specifically to any specific industry, sector, government body, healthcare at all; that is not the point of it. It is purely, as I said earlier, about the taps. We have a leaky tap, our plumbing does not work and we need to fix that plumbing, fix those taps, so we have the ability to turn them on or off, hot and cold, depending on the needs of the Island. The purpose, in part, is to ensure that when we come to the Assembly with a population policy, which is we know as a result of P.120, the amendment and is part of this proposition by the end of this particular year, we are in a position to be able to make that policy meaningful. Because as we know, and it has been mentioned by many, that we have the uncontrolled migration of running at 1,000 a year or 1,200 a year. As Senator Mézec reminded us, in 2014 and I think it was part of the Island Plan in 2011, was based on an inward net migration of 325; that has not worked. This is merely the first stage of putting those controls in place. What we do after that, hopefully, I laid out quite clearly a plan to go forward to the end of the year. Part of that will be in principle, will come back as regulations towards the end of the year and that is obviously the time when more detail will be included. Many of which that was said today, hopefully, will be added to this and enhanced in many cases in the in-committee debate in 3 weeks’ time, which I am hoping to lodge soon, when I have absolutely clarified my thoughts exactly about what it is going to be. But in principle, as I said in my summing up before, this is in the hard box. I am new, I have been here 2½, whatever, 3 years. This is a long-running saga, it is longer than Coronation Street, about the desire to have a population policy. We all know it is in the hard box because we have to, as I said before, manage those tensions of our finance, our society and our environment. It needs a collaboration of all of us, as an Assembly, both the Executive and the non-Executive, to have a will towards delivering that but that is for 3 weeks’ time and ongoing. Today we are talking about the taps. I was delighted to listen to Senator Pallett, and I think Senator Pallett said this and others mentioned the word “collaboration”, so there is a will, hopefully, within the Assembly to move this process forward. Data, I love data and do not ever ask me to come up with data because I will go back to the quote that I have used on many occasions on Jim Barksdale, the former chief of Netscape, which was an early runner to Google and did not quite win: “If we have data, let us look at data. If all we have are opinions, let us go with mine.” I do not want to use my opinions or anybody else’s opinions, I want to use the data and we will need our expert panel to help assess the data to enable us to make informed decisions based on that data. The lack of data, as Senator Pallett quietly pointed out, is holding us back and we need to get there as quickly as possible. But that, unfortunately, has a finite time. We cannot deliver that until the end of the year and we are

not going to have the census data until the end of the year but that is the will of the Assembly in asking us to bring a population policy by the end of the year. We will do whatever we can to make sure that is as relevant as we possibly can. Do not forget it will be fluid, if the population policy is frozen then we are missing this. It has to be dynamic as we work our way through the quagmire ahead of us of sorting this out. I will try and go through the individuals. Rob Ward, schoolteacher, gave me 4 very good questions, I am not sure I wrote them down properly and ...

The Bailiff:

I am sorry, Deputy. I must interrupt you, Deputy. Deputy of St. Peter. He cannot see anybody to do anything. Could you put in the chat, please, would he please stop speaking? Okay, turn his microphone back on. Deputy, I had to mute your microphone because I was trying to intervene, for a significant period you clearly were not looking and you clearly were not listening. You must have had your speakers ...

The Deputy of St. Peter:

I apologise, Sir. We have a technical thing here. Please, I apologise, Sir.

The Bailiff:

Very well, but it is important that any speaking Member can be interrupted by the Presiding Officer, otherwise there is not much point to any Presiding Officer. The position was that you began your speech when you were talking about individual Members and you must provide a reference to a Deputy by his full name and clearly that is not the first time that this has happened. I was merely wishing to interject and the point is not perhaps as important as the fact that I could not be heard to interject. You should maintain the formalities and, please, it is not Rob Ward, schoolteacher, it is Deputy Ward. If you would please maintain the formalities as you continue to speak. Thank you very much.

The Deputy of St. Peter:

My apologies, Sir. I believe I have adjusted the technology whereby I can now hear you and also speak at the same time, which should not be too difficult in 2021. Had a bit of finger trouble between the finger and the keyboard, Sir, I apologise. To Deputy Ward, I think that is where I got up to, he posed 4 questions and I think I was at a point of saying he wanted reassurance that decisions be made by politicians; I think I covered that point with elected Members and how the new permissions will be used. He asked then about the next steps, which I believe I articulated. With an in-committee debate, returning to the Assembly in the summer with the migration controls fleshed out, I believe that public consultation would go up throughout the summer. One of the most important things is to go to all people that submitted, and more, to the Migration Policy Board because it is important we have what I will describe as a gap analysis between what was submitted before and any changes that have happened as a result of Brexit, certainly the unforeseen consequences of Brexit and obviously particular reference to COVID, which has dominated this Assembly for the last year. Yes, that was Brexit and COVID impacts taken into account, gathering data and the policy looked rushed. I do not know how to answer that. All I can do is give absolute credit to the policy board members and the officers who have brought this to the Assembly for us today for debate. I think a lot of what Senator Pallett was talking about, we need more details. I am delighted that he recognised that the majority of people who submitted to Scrutiny fully understand that we do require ... what do we require? Do we require such controls and they are necessary? I am delighted that that was recognised and also his support, which I am mentioning, for data. Again, that was again supported by Deputy Luce. Senator Moore, the Children's Commissioner has confirmed that this proposition of Control of Housing and Work Law fit within the rights of the child. However, we will be bringing an impact assessment to this proposition to ensure that that is the case and that is clearly a priority. Senator Mézec, I can only say that this has taken too long and this has taken too long because it is in the hard

box. All I can say is I ask for his support and his contribution as we go forward to ensure that we can deliver on something. I personally think there are only 2 people that would want to take on a population policy in this Island, you have either got to be incredibly bright or incredibly stupid and I do not know which one I am at the moment. But it really is a task that needs to be taken on and it needs some absolute courage and it also needs great support from the whole of the Assembly. Quite right to point out healthcare, children and family issues, and I thank you for the praise in the hearing that we had. I believe that we need to sell this Island for our migrant workforce. As I mentioned, gone are the days when people were queuing up to come here because there was a financial disconnect between other parts of the world and ours, where we could pay money that those people could take home to their families. I remember it clearly, my first job in the summer of 1977 working on a farm with some of the early Madeirans that were in this Island. That was a great learning experience for me socially, as well as it made it absolutely clear in my mind I did not want to be a farmer because it was far too much like hard work. But it was really clearly instilled in my mind the work that people were doing to send money home to their families. It is different now. We need to sell the Island and we need to ensure, as I said, if they come here and if they are working in a hotel and they cover themselves in chip fat or if they have an injury working in the fields, they must have healthcare at the outset. We must protect them and look after those things. Their social security contributions cannot be seen as a thank you, we will squirrel all those away and you can go away. I think that is immoral and I will not support that but thank you for reminding me of that.

[12:45]

Deputy Morel, we have our discussions and his views are quite well-known and he is concerned about the panel being a statutory panel. My advice is that it may be a statutory panel but it is not a decision-making panel, it is an advisory panel. Again, it is up to us as politicians as to whether we listen to that advice or roll over and accept it. We listen to it and we interpret that and make our decisions accordingly. Again, Deputy Guida is questioning that, but I see that this is so much in the hard box that we do - I fear that I am going to say something that I hate saying - have to reach out and seek the huge guidance and wealth of experience there to help us bring forward and continue to manage the population of this Island in an evidence-based way. Deputy Southern was cynical about timing. If I have missed anybody, I apologise. There is an enormous amount to take on. However, all I would like to do is to ask Members to support this proposition. It is the first in the latest stages of steps in order to get in the population policy that this Island wants and needs. We cannot kick it down any longer. We have to put our best foot forward and start the process of delivering on this. With that, may I call for the *appel*?

The Bailiff:

Two things arise. Deputy Ward has asked would you give way for a point of clarification, and that is the first point. Are you prepared to?

The Deputy of St. Peter:

I would like to take, if I may, parts (a), (b) and (c) to (vi) in one part ...

The Bailiff:

I am sorry, Deputy of St. Peter ...

The Deputy of St. Peter:

... and then (vii) and (viii) separately.

The Bailiff:

Deputy of St. Peter, are you able to hear me? Are you able to hear me? Clearly not. Could someone in the room with the Deputy of St. Peter, if anyone is there, give the Deputy the opportunity of being able to hear? Deputy of St. Peter, can you hear me?

The Deputy of St. Peter:

Yes, I can hear you now, Sir.

The Bailiff:

Thank you very much. I was again trying to interrupt but again the technology appears to have failed. The question that I was asking originally was: are you prepared to give way for a point of clarification from Deputy Ward? That is the first point. Then the second point will be how you wish to take the proposition.

The Deputy of St. Peter:

On a ...?

The Bailiff:

A point of clarification.

The Deputy of St. Peter:

A point of clarification, yes, please.

The Bailiff:

Yes, you are prepared to give a point of clarification to the Deputy?

The Deputy of St. Peter:

Yes, of course.

Deputy R.J. Ward:

Thank you for your patience. The point of clarification is whether the proposer, the Deputy of St. Peter, can respond to the question I put directly regarding how part (c) would apply to people currently on their own, whether he can answer that question in his response. I think it was very clearly put in my speech.

The Bailiff:

Yes, I hope you got that, Deputy.

The Deputy of St. Peter:

Yes, I apologise to Deputy Ward. The answer is in the report, as he is scratching around this paper. I think it is page 34 of the report, section 7.1, under transitional provisions. I am not inclined to read it all out, but it is very much transition. It does not affect those who are already here and have settled status.

Deputy R.J. Ward:

Thank you, that is clear now. I think it is important to clarify that for everybody involved.

The Bailiff:

Thank you very much, Deputy. How do you wish to take the proposition, Deputy of St. Peter?

The Deputy of St. Peter:

Can I please take the population of (a), (b) and (c) down to I think it is (vi), and then take (vii) and (viii) separately if we may.

The Bailiff:

You wish to take (c)(vii) and (viii) separately. I think that can exist as a matter of logic, so on that basis you are entitled to have it taken in that way. The first vote will be ... Deputy Morel, yes?

Deputy K.F. Morel:

Yes, apologies, Sir, for intervening. I did ask, and I appreciate it is in the Deputy of St. Peter's gift, but I did ask that (a), (b) and (c) be taken separately. I would just reiterate that request, while appreciating it is within his gift.

The Bailiff:

You are being asked whether you are prepared to take it separately in that way. It is entirely a matter for you, Deputy.

The Deputy of St. Peter:

I appreciate and respect Deputy Morel's question, but I would like to stand by (a), (b) and (c) to (vi), please.

The Bailiff:

The vote then is on whether or not to adopt paragraphs (a), (b), (c), subparagraph (i) through to subparagraph (vi) of the proposition, the other 2 subparagraphs to be taken separately. The first vote is on (a), (b) and (c), (c) being subparagraph (i) to subparagraph (vi). Very well, the way the vote is taken is entirely a matter within the gift of the Deputy of St. Peter. It is his proposition and accordingly I ask the Greffier to place a link in the chat. The link is in the chat and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Parts (a), (b) and (c)(i) to (vi) of the proposition have been adopted.

POUR: 33		CONTRE: 14		ABSTAIN: 0
Senator I.J. Gorst		Senator T.A. Vallois		
Senator L.J. Farnham		Senator K.L. Moore		
Senator S.C. Ferguson		Senator S.Y. Mézec		
Senator J.A.N. Le Fondré		Connétable of St. Helier		
Senator S.W. Pallett		Connétable of St. Saviour		
Connétable of St. Clement		Connétable of St. Martin		
Connétable of St. Lawrence		Deputy M. Tadier (B)		
Connétable of Grouville		Deputy L.M.C. Doublet (S)		
Connétable of St. John		Deputy K.F. Morel (L)		
Connétable of Trinity		Deputy of St. John		
Connétable of St. Peter		Deputy M.R. Le Hegarat (H)		
Connétable of St. Mary		Deputy R.J. Ward (H)		
Connétable of St. Ouen		Deputy C.S. Alves (H)		
Deputy J.A. Martin (H)		Deputy K.G. Pamplin (S)		
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				

Deputy of St. Mary			
Deputy G.J. Truscott (B)			
Deputy J.H. Young (B)			
Deputy L.B.E. Ash (C)			
Deputy G.C.U. Guida (L)			
Deputy of St. Peter			
Deputy of Trinity			
Deputy S.M. Ahier (H)			
Deputy I. Gardiner (H)			

The Greffier of the States:

Those Members who voted contre were: Deputy Pamplin, Deputy Alves, Deputy Morel, Deputy Tadier, Constable of St. Saviour, Senator Moore, Senator Vallois, Constable of St. Helier, Senator Mézec, Deputy Le Hagarat, Deputy Ward, Deputy Doublet, Constable of St. Martin, and the Deputy of St. John.

The Bailiff:

Very well, we now come on to paragraph (c)(vii). That is to provide for an independent statutory expert panel appointed subject to the oversight of the Jersey Appointments Commission that we have already debated. I ask the Greffier to put a link in the chat for the subparagraph. I now open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Paragraph (c)(vii) has been adopted.

POUR: 26	CONTRE: 20	ABSTAIN: 0
Senator L.J. Farnham	Senator T.A. Vallois	
Senator S.C Ferguson	Senator S.Y. Mézec	
Senator J.A.N. Le Fondré	Connétable of St. Saviour	
Senator S.W. Pallett	Connétable of St. Brelade	
Connétable of St. Helier	Connétable of Grouville	
Connétable of St. Clement	Connétable of Trinity	
Connétable of St. Lawrence	Connétable of St. Mary	
Connétable of St. John	Connétable of St. Martin	
Connétable of St. Peter	Deputy G.P. Southern (H)	
Connétable of St. Ouen	Deputy M. Tadier (B)	
Deputy J.A. Martin (H)	Deputy S.M. Wickenden (H)	
Deputy of Grouville	Deputy of St. Mary	
Deputy K.C. Lewis (S)	Deputy J.H. Young (B)	
Deputy M.R. Higgins (H)	Deputy K.F. Morel (L)	
Deputy J.M. Maçon (S)	Deputy of St. John	
Deputy S.J. Pinel (C)	Deputy M.R. Le Hagarat (H)	
Deputy of St. Martin	Deputy S.M. Ahier (H)	
Deputy of St. Ouen	Deputy R.J. Ward (H)	
Deputy L.M.C. Doublet (S)	Deputy C.S. Alves (H)	
Deputy R. Labey (H)	Deputy K.G. Pamplin (S)	
Deputy G.J. Truscott (B)		

Deputy L.B.E. Ash (C)			
Deputy G.C.U. Guida (L)			
Deputy of St. Peter			
Deputy of Trinity			
Deputy I. Gardiner (H)			

The Greffier of the States:

Those voting contre were: Deputy Pamplin, Deputy Morel, Constable of St. Saviour, Senator Mézec, Senator Vallois, Deputy Le Hegarat, Deputy Ahier, Constable of Grouville, Deputy Young, Constable of St. Mary, Constable of St. Brelade, Deputy of St. John, Deputy Wickenden, the Constable of Trinity, Deputy Southern, Deputy Ward, Constable of St. Martin, Deputy Tadier and Deputy Alves.

The Bailiff:

There are now 2 further subparagraphs to deal with, (viii) and (ix). The next vote is on paragraph (c)(viii). I ask the Greffier to place a link into the chat. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. (c)(viii) has been adopted.

POUR: 33		CONTRE: 12		ABSTAIN: 0
Senator L.J. Farnham		Senator T.A. Vallois		
Senator S.C Ferguson		Senator S.Y. Mézec		
Senator J.A.N. Le Fondré		Connétable of St. Helier		
Senator S.W. Pallett		Connétable of St. Saviour		
Connétable of St. Clement		Connétable of Grouville		
Connétable of St. Lawrence		Deputy G.P. Southern (H)		
Connétable of St. Brelade		Deputy M. Tadier (B)		
Connétable of St. John		Deputy of St. John		
Connétable of Trinity		Deputy M.R. Le Hegarat (H)		
Connétable of St. Peter		Deputy R.J. Ward (H)		
Connétable of St. Mary		Deputy C.S. Alves (H)		
Connétable of St. Ouen		Deputy K.G. Pamplin (S)		
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy S.M. Ahier (H)				
Deputy I. Gardiner (H)				

The last paragraph to be dealt with is (c)(ix), which is the one that provides for a committee of the States Members to hold responsibility for determining applications under the C.H.W.L. (Control of Housing and Work Law) that fall outside formal guidelines. That is the final part of the vote on this, and I ask the Greffier to place a link when he is able to do so in the chat. The link is in the chat. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The final part of the proposition, (c)(ix), has been adopted.

POUR: 33		CONTRE: 12		ABSTAIN: 0
Senator L.J. Farnham		Senator T.A. Vallois		
Senator S.C Ferguson		Senator S.Y. Mézec		
Senator J.A.N. Le Fondré		Connétable of St. Helier		
Senator S.W. Pallett		Connétable of St. Saviour		
Connétable of St. Clement		Connétable of Grouville		
Connétable of St. Lawrence		Deputy G.P. Southern (H)		
Connétable of St. Brelade		Deputy M. Tadier (B)		
Connétable of St. John		Deputy of St. John		
Connétable of Trinity		Deputy M.R. Le Hegarat (H)		
Connétable of St. Peter		Deputy R.J. Ward (H)		
Connétable of St. Mary		Deputy C.S. Alves (H)		
Connétable of St. Ouen		Deputy K.G. Pamplin (S)		
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				

Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy S.M. Ahier (H)				
Deputy I. Gardiner (H)				

Therefore, that concludes this aspect of Public Business. You indicated a desire to speak. There is no basis on which you can do so, I am afraid, Deputy of St. Peter.

The Deputy of St. Peter:

I am merely wishing to thank everybody and apologise for my technical uselessness. That is all I wish to say, Sir. Thank you very much.

The Bailiff:

Thank you very much, Deputy. The technology is a challenge to us all.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The Assembly stands adjourned until 2.15 p.m.

[13:00]

LUNCHEON ADJOURNMENT

[14:15]

2. Jersey Overseas Aid Commission: Reappointment of Commissioner (P.4/2021)

The Bailiff:

We now continue with Public Business. The next item of Public Business is Jersey Overseas Aid Commission: Reappointment of Commissioner, P.4/2021, lodged by the Minister for International Development. For the purposes of any debate, the respondent will be the Chair of the Economic and International Affairs Scrutiny Panel. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to appoint Mr. Alistair Calvert as a non-States Commissioner of the Jersey Overseas Aid Commission effective from 21st March 2021 until 20th March 2024, in accordance with the Jersey Overseas Aid Commission (Jersey) Law 2005.

2.1 Deputy C.F. Labey of Grouville (The Minister for International Development):

I would like to reappoint Mr. Alistair Calvert to my gender-balanced commission for a period of 3 years. He brings much private sector experience and expertise, especially in the world of impact investing, which the commission is currently exploring as a means of expanding the aid programme. Alistair also has his own interests in humanitarian aid, which gives Jersey Overseas Aid the benefit of his experience through his valuable contributions to our work. I make the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? If no Member wishes to speak on the proposition, then I close the debate and I ask the Greffier to place a vote into the link. I am told it is on its way. The link is there, so I open the voting and ask Members

to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The proposition has been adopted.

POUR: 39	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator S.C Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		
Deputy of Trinity		
Deputy of St. John		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		
Deputy R.J. Ward (H)		
Deputy C.S. Alves (H)		
Deputy K.G. Pamplin (S)		
Deputy I. Gardiner (H)		

3. Improvements to Road Safety (P.5/2021) - as amended (P.5/2021 Amd.)

The Bailiff:

The next item of Public Business is Improvements to Road Safety, P.5/2021, lodged by the Connétable of St. Martin. There are 2 amendments to this, one lodged by the Minister for Infrastructure and one lodged by Senator Ferguson. Connétable, are you accepting either or both of these amendments?

The Connétable of St. Martin:

I am expecting the Minister for Infrastructure's but not Senator Ferguson's. Shall I set out the reasons why or should I do that later?

The Bailiff:

No, that is entirely a matter for you and you are entitled to accept or not as the case may be. So you presumably would like your proposition taken as amended by the amendment of the Minister for Infrastructure?

The Connétable of St. Martin:

Yes, please, Sir.

The Bailiff:

Are Members content that it is taken as amended to that extent? If anyone indicates to the contrary, would they please do so in the chat, otherwise we will read it as amended? No contrary indication; I therefore ask the Greffier to read the proposition as amended by the amendment of the Minister for Infrastructure.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion - (a) to request the Minister for Infrastructure to undertake a structural review of road safety in the Island in order to identify ways of improving road safety with a focus on the needs of vulnerable road users, and to publish its initial findings with strategic policy recommendations by the end of 2021; and (b) to request the Minister for Infrastructure to review existing legislation and the Island's Highway Code to identify the benefits of introducing a hierarchy of responsibility for road users based on the level of risk presented to road users in the event of a collision.

3.1 The Connétable of St. Martin:

The aim of this proposition is to provide constructive, proactive and lasting improvements to road safety in Jersey. The catalyst for bringing forward this proposition is one case you are likely all familiar with, where the family of one of my parishioners felt and still feel miserably failed by the system. On 26th March 2020, almost one year ago, 14 year-old cyclist Freddie Dentskevich was hit by a van while cycling in St. Martin. He had stopped at the yellow line and was inching out to check for traffic when he was struck. Freddie ended up with 2 fractures to his arm, stiches around his eye, an operation on his knee, and 2 missing teeth. It took almost 7 months before he could complete a full day of school due to the concussion he had sustained. Witnesses of the accident reported that over 20 minutes after the accident had occurred the driver of the vehicle in question returned to the scene but did not make themselves known or offer assistance. The driver did not stop after the accident and neither did the driver or the driver's partner dial 999. No one was prosecuted, which in the circumstances in my opinion beggars belief. The family have been unable to press charges, with the Law Officers' Department concluding that there was insufficient evidence to secure a realistic chance of a successful prosecution. A petition was subsequently launched by Freddie's mother, Joanna Dentskevich, calling on a review of the laws governing the rights and protections of all vulnerable road users with a view to making it safer to cycle, walk and horse ride on Jersey's roads.

As of today, this petition has so far amassed over 3,700 signatures and has attracted significant coverage from all media outlets in Jersey. As Constable of St. Martin, I have a duty to represent my parishioners, and as a States Member I have a duty to all Islanders, not just those who live in the Parish. I therefore believe that it is vital that we do what we can to ensure that an incident like this does not happen again. This proposition attempts to further the cause taken up by the Dentskevich family to improve road safety and accelerate efforts to develop a culture of safe and effective road use across the Island. Between 28th July to 27th October 2020, the United Kingdom's Department for Transport undertook a public consultation that proposed changes to its Highway Code to improve safety for vulnerable road users, with a particular focus on the following groups: cyclists, pedestrians and horse riders. At the top of the department's proposals was to introduce a hierarchy of road users that would ensure that those road users who can do the greatest harm have the greatest responsibility to reduce the danger or threat they may pose to others. The outcome of the consultation is currently awaiting publication. This proposed hierarchy would place those road users most at risk in the event of a collision at the very top. The consultation identified children, older adults and disabled people as the most at risk, followed by cyclists, horse riders and motorcyclists. In short, those driving the largest vehicle, which would carry the potential to cause the most harm in a collision, would, therefore, carry the greatest responsibility to take care and reduce the damage they could inflict on others. A lorry driver would have greater responsibility than someone in a car, as would a cyclist over a pedestrian. The hierarchy is about accepting that, although everyone suffers during a road collision, those in charge of vehicles that can cause the greatest harm in a collision bear the greatest responsibility to take care and reduce the damage they pose to others. This is not about a presumption of guilt. All will remain innocent until proven guilty. Instead, it is simply reinforcing the need to be aware of the risks your use of the road implicitly carries and how it could affect others if something goes wrong. A hierarchy of responsibility recognises that to truly make our roads safer we need to change how we think about the road users around us. I am aware that there will be resistance by some to the hierarchy liability initiative. To those who are resistant, I would also ask why, if it is so dreadful, do the vast majority of European jurisdictions have it and think it completely normal. Having held some very constructive and informative meetings with the Minister for Infrastructure and his officers, I am happy to accept the Minister for Infrastructure's amendments. The launch of a structural review of road safety is an absolute necessity and it is something which the Minister and his department are willing and eager to undertake. The review will hopefully identify the unique issues facing the Island and provide solutions tailored to fit the need. We all know that there is continuing need to encourage Islanders to adopt more sustainable forms of transport, so it is vital that Jersey is able to provide the necessary protections to keep them safe. A thorough, open review with active public engagement and well-researched findings and recommendations will make significant strides in helping us become a safer, greener and healthier society. Having spoken to officers within Infrastructure, Housing and Environment, I can safely say that I agree that this amended approach to the proposed hierarchy will yield the best results. This is a holistic approach that will benefit us all. From meetings with the officers in Infrastructure, I have found them to be hugely knowledgeable in this area and the expertise and enthusiasm for road safety of individuals tells me that there is a real drive and incentive to deliver on this initiative. I am immensely grateful for the time they have taken to discuss this proposition and find the best way to make it work. Finally, I must thank Joanna and Paul Dentskevich for the consultation I have had with them. Joanna has proven herself to be a principled and resilient campaigner on this issue, and I hope that we as an Assembly can deliver on what she has started. As I said at the beginning of my speech, the aim of this proposition is to provide constructive, proactive and lasting improvements to road safety in Jersey. With the support of this Assembly, we can begin to make true, genuine and lasting improvements that will keep Islanders safe on the road, regardless of their method of transportation. I urge you for the sake and safety of us all, for all Islanders who use our roads, please vote for this proposition.

The Bailiff:

Thank you very much, Connétable. Is the proposition seconded? **[Seconded]**

3.2 Improvements to Road Safety (P.5/2021): second amendment (P.5/2021 Amd.(2))

The Bailiff:

There is now an amendment lodged by Senator Ferguson and I ask the Greffier to read the amendment.

The Deputy Greffier of the States:

Page 2, paragraph (b) - before paragraph (b) insert the following new paragraph and re-designate the subsequent paragraphs accordingly - "(b) to request the Minister for Infrastructure to study the direct vision standard, introduced in London in October 2019, and to introduce a similar standard in Jersey in order that pedestrians, cyclists and motorbikes are made more visible to the drivers of heavy goods vehicles and other commercial vehicles."

3.2.1 Senator S.C. Ferguson:

I thought that this was just a simple amendment that I was bringing to a straightforward proposition, until the initial reaction of the Ministers: not worth it, too expensive. Really, Minister, what price a human life? My report makes mention of the volume of building traffic lumbering up and down Le Mont Sohier. The view from the cab does appear to be extremely limited. Is this why it is necessary to have what they call a banksman on building sites? The Minister will also make much of the fact that the vehicle involved with Freddie was a people carrier.

[14:30]

If the visibility from any vehicle is so poor, then it is essential that this aspect of a vehicle should form part of the overall review. The direct vision standard set up by London minimises H.G.V. (heavy goods vehicle) blind spots. I bring this proposition to ensure that the Infrastructure Department looks at the extensive research already undertaken. There is no point in reinventing the wheel. If they have done the research, then let us have a look at it. I am sure there are those of us in the Assembly who have in the past added extra mirrors to their vehicles to improve visibility. Indeed, I am of a vintage who remembers additional wing mirrors being added to cars as an additional safety feature back in the dawn of time. Time has moved on and we are entering the next stage, cameras. Cameras provide a defence for drivers especially. The thrust of the overall argument in the main proposition tends to put primary blame on the larger vehicle. This is not always the case. Cameras provide evidence to defend the driver or at least make the case clear. You cannot just say: "He is a big lorry so it is his fault." I have known cases where cyclists and motorbikes and so on scurry through the traffic and cause an accident. So it is not just one hierarchy, it can happen all the way through. It should also be noted that H.G.V.s today are better insulated and the sound of a collision is not always heard in the cab. There is also the interesting point that the trend today is to use more cameras. I understand that the new Mercedes range will be fitted with cameras rather than with mirrors. Before you listen to the siren call of the Minister with his "too expensive, not necessary" cry, please remember, what price a human life. Please support my amendment.

The Bailiff:

Thank you very much, Senator. Is the amendment seconded? **[Seconded]**

3.2.2 Deputy K.C. Lewis of St. Saviour:

If I could start with a few corrections. I did not say to the Senator that it is too expensive and I did not say to the Senator it was not worth it. In fact I thanked the Senator for bringing it. My department are well aware of this programme, which is only taking place in central London itself. It is called "direct vision standard". I am all for safety on the roads, I am all for extra cameras on vehicles. In fact, most refuse trucks have them now and all the Jersey buses have them too. Many private

individual cars have these cameras as recording devices and covers everything. I would like to thank Senator Ferguson for her amendment. I support her view that improving vision for H.G.V. drivers would contribute to improved road safety. Direct vision standards would be considered as part of the review, which I have informed the Senator I would add to the review. It would significantly improve road safety when compared with other safety countermeasures and could be incorporated into the existing delivery programme of safety initiatives. I believe the catalyst for this proposition was an accident, which left a young boy seriously injured. I will leave it there. I will be speaking on the main proposition. But my team are very experienced, they are in contact with Transport for London and the transport authorities in the U.K. and they are very well aware of all the upcoming developments. I would recommend to Members that they do not accept the second amendment.

3.2.3 Deputy M.R. Higgins:

The Minister protests too much. Basically, what Senator Ferguson is putting forward is a proposition that will not diminish or weaken in any way Constable Stone's proposition. What she is putting forward is something that anyone who is concerned with road safety should support. We all know large vehicles do have blind spots, same as cars have blind spots, and anything we can do to enhance the safety of pedestrians, whether it be people pushing prams on the sidewalk, and we know that these vehicles are very wide and very often have their mirrors extending over the sidewalk. They may not be able to see cyclists coming up behind or motorcyclists. We all know how they come and they park themselves in your blind spot. Also, we have had people with skateboards hanging behind a car or a vehicle and getting a tow from it. These things are accidents likely to happen. Anything we can do to improve road safety, especially with the large number of commercial vehicles that we have on the roads. I am appalled, living on St. Aubin's Inner Road in St. Helier, how many large vehicles, P30s, building vehicles, some of them are using the Inner Road when they should really be using the Avenue. So I am very much in favour of anything that is going to support road safety and I would ask Members to support Senator Ferguson and do not listen to the Minister who basically it is almost as if: "I cannot be bothered. I did not think of it."

3.2.4 Deputy D. Johnson of St. Mary:

Like the Minister for Infrastructure, I congratulate the Senator on bringing this amendment to a certain extent. But I do question whether it is appropriate. The proposition, as amended, requests the Minister to undertake a structural review of road safety in the Island. He has already confirmed that what the Senator is suggesting will come under that brief and I therefore think it inappropriate for any particular provisions to be added to the main proposition, simply because these will in any event be carried out in the course of the review. So I will not be supporting the amendment and, as I say, I think, given the breadth of the review, any specific items are superfluous to what is required.

3.2.5 Deputy I. Gardiner:

I am congratulating Senator Ferguson to bring in this amendment. I do recognise and I work a lot with highly-experienced team on our roads. They are doing a great job and I am sure that they worry about all measures that took place in London. Saying this, I am so tired on review, on review, on review, on review. Yesterday, we heard about 2 reviews that are never-ending. This is a very simple, straightforward measure to enhance safety on the road. It has been researched by London infrastructure. I live in town, Queens Road, Rouge Bouillon, you name it. Highly populated areas with pedestrians, motorbikes, cyclists. It will not cost much to introduce this measure and it will protect drivers, as road users. Any review of making our roads safer will not clash or any summary of recommendations from the review will not clash with what Senator Ferguson is proposing. So I would be personally supporting this amendment.

3.2.6 The Connétable of St. John:

I congratulate Senator Ferguson on bringing this. It adds to the mix and it should be part of what they examine. But, as the Deputy of St. Mary has pointed out, it is already in the mix, so whether one needs a separate proposition for it, or amendment for it, I bow to other people's knowledge. My concern is the number of P30s on the Island. We are seeing a steady increase and increase and increase. I would like to see a greater control on the number of these large lorries. Also, because they are heavy and heavier, they obviously damage the roads more, and the Minister should be looking at some form of fee for a P30 licence. I know it does not quite enter into this debate, but I just feel it is something that should be pointed out at this stage. I will be supporting this amendment simply because it needs to be in part of the mix and we need to look at the size of vehicles on the Island because they are damaging some of our smaller roads.

The Bailiff:

Does any other Member wish to speak on the amendment? If no other Member wishes to speak on the amendment then I close the debate and call upon Senator Ferguson to respond.

3.2.7 Senator S.C. Ferguson:

The Minister must have been at a different briefing to me, but never mind, because I am absolutely certain; I am Scottish, if people mention money I notice it. I want really that the Minister confirms in the States that this will form part of the review. Otherwise we find that things get kicked into the long grass and somebody has forgotten them. So we need to just make sure that it is there so that in a year's time or 6 months' time when we are discussing road safety I can say: "Where is the part of the review, which refers to the road safety and cameras on large vehicles and any other vehicles that need something done about being able to see and so on." So, as I say, it is a minor thing, yes. I am of the opinion that the blame, it is easy to say the bigger vehicle should take all the blame. Yes, possibly, most of the time it will. But not always. Not if there is a Vespa-type vehicle, which just sort of cuts down the middle of the filter-in-turn and it is very difficult to see them. So let us make sure that blame is apportioned correctly and not just: "You are bigger than I am so it is your fault." Please support my amendment.

The Bailiff:

I will ask the Greffier to place a vote into the link. The vote is on Senator Ferguson's amendment. I open the voting. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The amendment has been defeated.

POUR: 19		CONTRE: 25		ABSTAIN: 0
Senator S.C Ferguson		Senator I.J. Gorst		
Senator K.L. Moore		Senator T.A. Vallois		
Senator S.W. Pallett		Senator S.Y. Mézec		
Connétable of St. Lawrence		Connétable of St. Helier		
Connétable of St. Saviour		Connétable of Trinity		
Connétable of St. Brelade		Connétable of St. Peter		
Connétable of St. John		Connétable of St. Mary		
Deputy of Grouville		Connétable of St. Ouen		
Deputy M.R. Higgins (H)		Connétable of St. Martin		
Deputy J.M. Maçon (S)		Deputy J.A. Martin (H)		
Deputy of St. Martin		Deputy G.P. Southern (H)		
Deputy L.M.C. Doublet (S)		Deputy K.C. Lewis (S)		
Deputy G.J. Truscott (B)		Deputy M. Tadier (B)		
Deputy J.H. Young (B)		Deputy S.J. Pinel (C)		

Deputy L.B.E. Ash (C)		Deputy of St. Ouen		
Deputy of St. Peter		Deputy R. Labey (H)		
Deputy of St. John		Deputy S.M. Wickenden (H)		
Deputy M.R. Le Hagarat (H)		Deputy of St. Mary		
Deputy I. Gardiner (H)		Deputy K.F. Morel (L)		
		Deputy G.C.U. Guida (L)		
		Deputy of Trinity		
		Deputy S.M. Ahier (H)		
		Deputy R.J. Ward (H)		
		Deputy C.S. Alves (H)		
		Deputy K.G. Pamplin (S)		

[14:45]

The Deputy Greffier of the States:

Those voting pour: Senator Moore, Deputy Higgins, Deputy Le Hagarat, Deputy Doublet, Deputy Ash, the Deputy of Grouville, the Deputy of St. Peter, Deputy Gardiner, Deputy Young, the Deputy of St. Martin, the Connétable of St. Brelade, Senator Pallett, the Connétable of St. John, Deputy Truscott, Senator Ferguson, the Connétable of St. Lawrence, the Deputy of St. John, Deputy Maçon, and also the Connétable of St. Saviour in the chat. Then voting contre in the chat: the Deputy of St. Mary and Deputy Tadier, and then in the link, Deputy Ward, Senator Gorst, Deputy Ahier, Deputy Wickenden, Senator Mézec, the Connétable of St. Helier, Deputy Lewis, Deputy Pinel, the Deputy of St. Ouen, Deputy Morel, Deputy Martin, the Deputy of Trinity, Deputy Alves, Senator Vallois, the Connétables of St. Mary and Trinity and St. Peter, Deputy Pamplin, Deputy Guida, the Connétable of St. Ouen, Deputy Tadier again, Deputy Southern, Deputy Labey and the Connétable of St. Martin.

3.3 Improvements to Road Safety (P.5/2021) - as amended (P.5/2021 Amd.) - resumption

The Bailiff:

We now return to the main proposition as amended and does any Member wish to speak on the proposition?

3.3.1 Deputy R.J. Ward:

All I wanted to say was that I absolutely support this. But I have to say that anything that says that the Minister for Infrastructure, and this is not a personal thing, but the position of Minister for Infrastructure is to undertake a review, really does need to be chased in terms of the outcome. I am pleased to see that recommendations are to be made by 2021. The second part says to review existing legislation and identify the benefits of introducing. I would just say to the proposer that this is a good idea and that it is to make sure and get some total reassurances from the department that some action will be taken. Because, unfortunately, in this Assembly too frequently we have had things passed in this Assembly and no action is taken and we spend our time chasing and chasing and chasing. It will be nice to see the Government do something different to that for a change and get its house in order.

The Bailiff:

Deputy of St. Mary, you have a question for the Solicitor General.

The Deputy of St. Mary:

My understanding is that failure to observe a provision of the Highway Code does not of itself render a person liable to criminal proceedings. But that under the road traffic legislation any such failure

may be relied upon as tending to establish or negate any liability to those proceedings. I would be grateful if the Solicitor General could set out the mechanics of bringing a prosecution in the event of a breach of the Highway Code, whether he believes that any provision of the Highway Code will entail an amendment of the primary law. Further, whether any revision would mean that new protocols to assist the police officers in following the new Highway Code will be put in place.

The Bailiff:

Were those clear for you, Mr. Solicitor? Do you need time to think about them?

The Solicitor General:

I think they are clear. I can answer them now. The Highway Code, the Deputy is quite right, is not law. It is a set of guidelines issued by the Minister explaining to people how they ought to negotiate our roads. Failure to observe elements of the Highway Code may be used in evidence in a criminal prosecution to try to demonstrate that particular driving fell below a standard such that it amounts to an offence, for example an offence of careless driving or an offence of dangerous driving. But its role is purely evidential. In terms of revising the Highway Code to give effect to, for example, a hierarchy of vulnerability. I do not know if that is really what the Deputy was driving at. Yes, it would be possible to make changes or for the Minister to make changes to the code. But because it is guidance for how people should behave, any hierarchy would have to give road users guidance on what a hierarchy meant in practice. For example, it might mean that someone in a larger vehicle should have to give way to someone in a smaller vehicle, or a motorist should have to give way to a cyclist and a cyclist to a pedestrian. You would need that sort of guidance so that motorists would know what was expected of them. If you thereafter wanted to incorporate into our law this notion of presumed liability, which is part of the civil law in some jurisdictions, you are really saying, when you talk of presumed liability, that it is assumed that the less-vulnerable road user is liable for injury to the more-vulnerable road user. So, for example, the car driver is presumed to be liable for the accident in which the pedestrian was injured. To introduce that into law would require or would involve changing the existing law on where the burden of proof lies in a civil case. Because the legal burden of proving that you have been injured because of the fault of someone else rests on the victim. So, if you wanted to introduce presumed liability, you would have to legislate to change that legal burden of proof to place it instead on the less-vulnerable road user to establish that in fact he was not to blame, despite the assumption that he is. In terms of guidance for the police, I cannot really see that would be necessary. Our police are well experienced in dealing with road traffic matters. If there are changes to the Highway Code, which suggest new things may give rise to criminal liability, the police I am sure will be able to familiarise themselves with those things and have regard to them when they police and when they gather evidence. I hope that is helpful.

The Deputy of St. Mary:

Could I have a supplementary please? I thank the Solicitor General for that clarification, it was most helpful. A minor point, my question was directed in relation to criminal proceedings, but could he also confirm that under the present law the same assumptions as to whether compliance with Highway Code or not is rendered valid in civil proceedings?

The Solicitor General:

Do you mean civil or criminal proceedings, Connétable?

The Deputy of St. Mary:

Sorry. My only interpretation is that the road traffic legislation does apply to civil proceedings as well. Could the Solicitor General confirm that?

The Solicitor General:

The Road Traffic Law creates criminal offences only. But it is the case, however, anyone who commits a criminal motoring or road traffic offence; that conviction would almost certainly found an action in civil law for negligence. So if you were mown down by a motorist who had driven carelessly and that person was prosecuted and convicted for careless driving, that conviction would be evidence to support a civil claim for damages for any injury sustained. The Highway Code is relevant evidentially to both establishing the criminal offences under the Road Traffic Law and its rules are also relevant for establishing civil liability in a claim for damages.

The Deputy of St. Mary:

Again, I thank the Solicitor General for that further clarification.

3.3.2 Deputy M.R. Higgins:

I am pleased to follow the Solicitor General. One of the disturbing elements of the accident, which brought about this proposition to the States, was that it was another example of the failure of the police to investigate properly. The Solicitor General has just told us they know what they are doing and they do it well and take everything into account. But they did not, for example, in this case advertise for witnesses, which was normal when you do not have witnesses who saw the accident. They did not, for example, when the driver did come forward, who did not report the accident, breathalyse them. They did not check the vehicle data recorder for information. Then in fact it did turn out that there was a witness but they failed to interview the key witness. Now, it is all very good us having basically road safety regulations, the Highway Code and everything else. But, if people are injured or knocked down in an accident, they should be properly investigated. This is not the first time. Unfortunately, I always seem to be a critic of the police, but mainly because I am getting a list of cases where they have not properly investigated matters. So far as this particular proposition is concerned, yes, I fully support it. But we need to have a look at the policing of these accidents and make sure the police, I am sure they should have a checklist, in which case they should follow it.

3.3.3 The Connétable of St. Ouen:

I am pleased to follow Deputy Higgins, not least because he has effectively stolen some of my lines. But I would just like to emphasise what he said. The elephant in the room with this proposition, which in my view is a good proposition, is what happened in relation to any proceedings that should have taken place as a result of this incident. I hope, as I am sure the A.G. (Attorney General) and the S.G. (Solicitor General) are listening, that they take these comments on board and do review this case again with the chief of police and look to see where things did go wrong and why a prosecution was not brought in this case where, as an ex-engineer, there seems to me to be an abundance of evidence to do that. Somehow or other, it never made it to the courts. That seems to me to be a failing of our system and I can understand why the parents will be very upset at that and why I think, rightly or wrongly, they are pushing for this legislation. But there are existing procedures and processes, which should have captured the person who committed this offence, and should have brought them to court and brought them to justice. That would have given the claimant an avenue for civil damages. So I would strongly urge the A.G. and the S.G. to look at this again with the Chief of Police and learn from what has happened and let it not happen again. The second point I want to make is in relation to Senator Ferguson's proposition, which, as a cyclist and a road user myself, was very sensible. I have to say to the Senator, the only reason I did not vote for it was because the Minister made it very clear that he was going to include a review of the aspects of the Senator's proposition in his proposition. Please, can I make a plea to Deputy Lewis, please do this. The Senator's proposition made a lot of sense and it was only that the proposition had absolutes in it that I found myself not able to vote for it. But we should take on board the fact that the Senator has done a lot of research and I would urge the Deputy to take it seriously and take it on board. I am sure he will do knowing him. Finally, can I just congratulate the Constable of St. Martin in bringing this proposition and working with Deputy Lewis. In my mind that makes very good sense. Road safety, certainly as the

Constable of a Parish, is a big issue these days. There are more and more people using the roads and incidents such as the one we have seen will continue to occur. Having a structure in place that deals with it makes a lot of sense. The only thing I would say is, in terms of criminal proceedings, we must not stray into the area where somebody is presumed guilty before they have even had a chance to prove their innocence. If that appeared in regulations I would not be able to support it. But, if we avoid that trap, then I feel certain that I can support this proposition or the regulations when they come back. So I would urge Members to vote for this. It is a good piece of work. It is something that we definitely need to do.

[15:00]

3.3.4 Deputy M. Tadier of St. Brelade:

The previous speaker hit the nail on the head. What he was saying perhaps in diplomatic language was that the Attorney General's office has got this one wrong. I have a lot of sympathy for the family of Freddie Dentskevich. I have a lot of sympathy for their situation. First of all because it is a terrible thing to happen to a young person and I hope he is recovering well. The point is that there is a lot of indignation around this, which I can also understand. As is sometimes the case with petitions, they have quite correctly identified a problem. The solution that is being sought is perhaps the wrong one in the case of the petition. Because what clearly seems to me that should have happened, and perhaps it is ironic, but the fact that this driver did not stop is what is in my mind, and I presume in the mind of the Constable, the former Chef de Police of St. Ouen, so he has some knowledge of these kind of things presumably - is that the driver failing to stop is what made him culpable of a criminal act. I say that on the basis that I presume it is a criminal matter not to stop at the scene of an accident if you have had an accident. Of course the defence would be that he did not know that he had hit the cyclist. If that is genuinely the case then it seems that another offence would have occurred, the offence of driving without due care and attention or even reckless driving. I do not know how you can drive in such a way as to hit a cyclist who is edging out on a yellow line - as we are told in the report - and that you can be hit with such force as to have those multiple injuries without knowing that you have hit something. Especially given the fact that we are told that the driver then went back to the scene of the crime - if indeed it is a crime - 20 minutes later. It seems that there is sufficient evidence there to say that an offence has been committed. It does not mean, of course, that the driver was in the wrong for the collision. That is the whole point. As I said, if the driver had stopped, which I think anyone would do anyway ... anyone in their right mind with a good conscience who had hit somebody else would stop and say: "Are you okay?" without meaning they needed to take responsibility for being in wrong, so to speak. That matter would have been resolved. There was a lack of humanity clearly in this case, in my mind. I am just speaking as I find it. We have this situation where there has been a big clamour to sign a petition for a change in the law, which probably does not need to occur anyway because, as we have said, there has to be that evidential test. I can be one moment a car driver, the next moment I can be a cyclist and later on today I might be a pedestrian. It is true, and it is already the case, that there is a hierarchy of responsibility. If you are cycling it is normal that you should look out for pedestrians; if you are in a car, when you are overtaking a cyclist or pedestrian, you are supposed to give a very wide berth and overtake, where possible, over the white line down the middle of the road to give that cyclist as much space as you would another car. Unfortunately this kind of thing does not happen in Jersey. We see it time and time again where there seems a penchant and an acceptability in some quarters ... and I see it on social media people like to have a go at cyclists saying: "Look at this group of selfish cyclists taking up the road." Of course they are taking up the road, that is what they do, that is no different to cars who often crawl along at 5 or 10 miles an hour in rush hour. You see these cars often overtaking on bends where there is not space to overtake a cyclist or a pedestrian safely. You are thinking what is the point in that. It is not going to get you to your destination any quicker anyway because you are probably going to be caught up by the cyclist when you get to the next red light. You are seriously endangering other road users, yourself included, but primarily those in a more vulnerable position and the

oncoming traffic. I have seen so many near misses on our roads. It is not helped by the fact that of course in many places in Jersey ... and I need to flag this up formally with the Constable of St. Clement on the Inner Road between Grouville and St. Clement there is parking that is legally permitted on the road, which is very dangerous. That is the same as you go up Grouville towards Ransoms. It is the same on the Inner Road as you go from St. Helier to St. Aubin and there are examples of that right through the Island. It is because we give priority to cars. There is a presumption that you should be allowed to park your cars on main roads even where it incurs a visual liability for drivers which ultimately makes our roads less safe. Of course the principle of the hierarchy of vulnerability is correct, it should not override the evidential test when it comes to these matters. In this case I think there has been a catastrophic failure, as far as I can see it, in not pursuing the correct defence. We are told that there was insufficient evidence. Insufficient evidence of what? I would say that there might have been insufficient evidence to suggest that the driver was in the wrong. He may well not have been in the wrong, but there is certainly evidence to suggest that any driver who has eyes and ears and knows their vehicle, as I said at the beginning, should know when they hear a thud and hit something or someone. In that case they should stop at least to make sure their vehicle is okay, if not to have the conscience to make sure that the person that they potentially hit has not been injured. I will leave it there. There are answers to be given and, of course, although I am not asking any direct questions to the Solicitor General, he is at liberty to speak on this matter if he wants to further.

The Bailiff:

Of course it would not be appropriate for the Solicitor General to give information as to any individual prosecution decision. That is all I would say about that.

3.3.5 Deputy J.H. Young of St. Brelade:

I am grateful to the Connétable for bringing forward this proposition to enable us to have a debate. Obviously the debate is focused very much on the hierarchy of responsibility but what we have ended up with in the amended proposition is both emphasis on improving road safety with a focus on vulnerable road users, as well as the issue about hierarchy of responsibility. I have asked the Minister for Instructure when he does the work as a result of this proposition, because I am sure it will be approved, that he takes the opportunity to engage also with the legislative part of the States, particularly Home Affairs and Parishes. I think the speeches of Members so far illustrate that in order to achieve better road safety we need to have joined up policy between the Minister for Instructure and the work that he does in providing or trying to manage the infrastructure we have, the roads and the physical fabric and also the regulation part of vehicles which he has, but also how people go about using their vehicles. The issues raised about negligence and this particular case, which to be frank I do not know much about. What I want to see is that review go a little bit further. It does not have a time limit on it - the original proposition did but it has now gone - so I would like the Minister for Infrastructure to please take that on board. What we have seen, we have a fixed space in the Island, we cannot expand our roads, vehicles are getting bigger, they are getting faster, we are seeing congestion causes that impatience and the odd bit of road rage, and I do not think you can detach the issue of road safety at all from people's behaviour. I have always banged on about how we still do not have any disciplines in the system, for example, having a point scheme on licensing so that if people persistently did things and got caught out then they would eventually lose the right to drive. I think that is important. I accept that even a motorcyclist, and one of those motorcyclists that Senator Ferguson referred to in what she had to say about people drilling down in their lanes. I do that knowingly and knowing that as a motorcyclist you have to take responsibility for your own actions. Defensive riding they call it. I think that is an important principle. Please, please, Connétables, think about fixed penalties too. I would like to see those things done as well as the opportunities for infrastructure changes where it is possible, schemes like the Westmount, marking the carriageway to give pedestrians priority, for example, lots of opportunities where we have dangerous roads for that

to be done. I would go with this. It is not an ideal proposition, in some ways I preferred the original versions before the Minister for Infrastructure's amendment but I was not going to make a big issue on that. Nonetheless I hope very much that the Minister for Infrastructure will take those comments on board in the work he has to do, accepting his resources are pretty stretched. With the sustainable transport strategy at the moment he has a lot on his plate. Nonetheless, I think this is a really important quality of life issue. Road safety really matters and I think that is the lesson we should put today.

3.3.6 The Deputy of Grouville:

I, like many other Members in this Assembly, are absolutely appalled by the account that the Constable of St. Martin gave about the injuries sustained by this child. As a parent I find this absolutely abhorrent, especially so what has been described to us as States Members in that no prosecution has taken place and the driver is known to the police. I cannot fathom it. I hear what the Bailiff has said that the Solicitor General cannot make any comment about any particular case but what has been described to me is nothing less than a hit and run. The Solicitor General spoke at length about different highway laws and all this sort of thing but we do not care which one it falls in, I think States Members and members of the public just want to see justice done, whether it is careless driving, hit and run, whatever it is. I think this case certainly needs reopening. About the same time as this incident came about I heard of another incident in St. Martin Parish where a car came off the yellow line, went into a cyclist and that car driver had the book thrown at them. It is very unsatisfactory so I would like to see this case opened - I do not know about reopened - and reconsidered. Also I would like the Minister for Infrastructure, along with the Constables - and I know Deputy Ward's proposition ... I am not sure if he is doing any work towards this, but as the Constable knows there was a group of us with Cyclists for Jersey that were very keen to see some dedicated lanes for cyclists and pedestrians, a network of them throughout the Parishes. I know the Minister is going to stand up and say: "Oh yes, but I do not have the resources" but I need to remind him that in the Environment Fund there is £5 million. So even if there might be some resources that need looking at to dedicate these lanes as cyclist and pedestrian priority, a network of them, so that there is a safe network around the Island and into St. Helier. This so long overdue. I appreciate that we cannot have a dedicated cycle track everywhere, but I think the Constables need to start looking at their Parishes.

[15:15]

I have handed them each a map, it was this time last year in actual fact, where they could plot safe roads where cyclists and pedestrians take priority. I do not see why that should take so much time and so much resources but, anyway, we keep waiting, do we not. In the interim, I would like to hear if the Solicitor General can give us some comfort, give the mother and child some comfort over the injuries this child endured and nobody is being prosecuted. That cannot be right.

The Bailiff:

You are asked to give way for a point of clarification from Deputy Ward. The Deputy of Grouville, do you agree to do so?

The Deputy of Grouville:

I have finished but if he wants to ask me something, happy to answer.

Deputy R.J. Ward:

It was just a comment regards: "I do not know what work has been done", was the Deputy aware of Written Question 48 where that question has been asked, because I did ask that question as to what work has gone on.

The Bailiff:

I am sorry, I do not think that is a point of clarification, Deputy. Thank you. Could I just mention to Members, because the issue has come up on more than one occasion during the course of this debate in which criticism has apparently been made or concern expressed about what has happened in a particular case, which has been the case that has founded this proposition. There are well-travelled reasons for why law officers do not, and should not other than in the most exceptional circumstances, make any comment in the Assembly in connection with any specific case. It is seldom the case that Members of the Assembly will have the full information before them that are before the law officers when they make decisions and it is equally the case that that full information can often not be put before the Assembly for a number of very proper reasons. To debate whether or not an individual should be prosecuted - and I appreciate that the individual has not been named - runs the risk of a trial in a public forum, such as the States Assembly, and that is not what the Assembly can or should be doing. If I could respectfully remind Members of that. That is why the Solicitor General will not be in a position to speak about a specific case. The law officers have heard what the Assembly has said and the law officers are more than capable of taking what they think is appropriate into account. One thing that is not a ground for prosecution, and can never be, is the opinion of the States Assembly. Very well, I hope that is of some assistance. You have a point of order, Deputy Tadier?

Deputy M. Tadier:

Can you clarify that it is, of course, open for the Attorney General to speak at any time, even when not answering a question, and that he can talk in terms of generality?

The Bailiff:

Yes, that is entirely correct. It is also the case that law officers can respond to a request for advice, can offer advice and, in theory, can speak on any subject but of course by convention they refrain from doing so unless it is specifically about a legal matter. If that assists you, Deputy. Very well, does any other Member wish to speak?

3.3.7 Connétable D.W. Mezbourian of St. Lawrence:

I wanted to support the Constable of St. Martin and recognise that what she has done in bringing this proposition forward is absolutely her responsibility as Constable of St. Martin. I am sure had this accident happened in any other Parish and the Constable would have become aware of it, it is highly likely that anyone of the other 11 of us would have done the same. We have heard that there has been collaborative working between the Constable and the Minister for Infrastructure and that is obviously to be commended. I wanted to just speak to that and refer to what the Deputy of Grouville mentioned a moment ago when she was speaking about the Constables needing to or should be bringing forward cycle lanes within their Parishes. She is absolutely right that she did come to speak to the Comité some 12 months or so ago. When she did, as she has told us, she very kindly did give each Roads Committee a copy of a map of the Island for them to look at the by-roads within their Parishes and to identify where they thought it would be practical to introduce cycle lanes to prioritise cyclists and give them safe cycling areas. What the Deputy may have forgotten is that we were very supportive of her proposition that she put to us but we agreed that it needed to be worked upon within the remit of the Minister for Infrastructure's road safety strategy. I would just like to speak to that very briefly to advise Members that I am very pleased that the Minister has now been able to agree to meet with us later this month at which time we will be discussing a number of road safety matters, such as the cycle strategy within the road safety strategy as well as Deputy Ward's proposition that was agreed last year, when we would look at designated roads that would be recognised to promote cyclists, horse riders and pedestrians. I just wanted the Assembly to know that things are progressing, maybe a little more slowly than the Constables would have wished but certainly we will be progressing them in a couple of weeks when we meet with the Minister for Infrastructure. Just finally to say that obviously I will be supporting the Constable's proposition as amended by the Minister.

3.3.8 Connétable M.K. Jackson of St. Brelade:

As with previous speakers, I commend the Connétable of St. Martin for bringing this and I am a bit saddened by the reason for having to do this. Notwithstanding that, I would like to speak to paragraph (a) of the amended version that will request the Minister for Infrastructure to look at road safety in the Island. I would just like to make the point that the present situation is that if there is a road safety issue it seems to get referred to a road safety panel. I do not know who they are but I am sure they are all very eminent. The result is always: “No, we cannot do it.” It certainly seems to have been to date, as is often alluded to by the Connétable of St. Helier, dare I say it, a “can’t do” department. Can the Minister be more innovative in providing improved road safety? Can we nibble away at our very narrow roads and try and achieve some improvement? It may not be the improvement the Minister may wish in the light of U.K. legislation and design but it may be adapted to our Jersey needs. We may not be able to achieve 3-metre-wide cycle paths but surely if we can achieve footpaths that has to be better than nothing. There are several cases where we could do that. I would far rather see that than nothing at all. I just ask the Minister to widen his eyes into what we can achieve and let us try and make his department a “can do” department.

3.3.9 Deputy L.B.E. Ash:

I will keep this fairly brief as I will be supporting this and I think it is a laudable thing to bring. I would like to mention a couple of things. Deputy Tadier raised the point that cyclists taking up the road is no different to cars. To an extent he has a point, and I may have led a sheltered existence but I have yet to see 2 cars driving along side by side having a pleasant chat for 2 miles about their impeding skiing holiday. Maybe they do but I have yet to witness it. I would also like to bring up a point made by the Deputy of Grouville, as we have established she shall be known this morning, where she called for dedicated cycle paths. I fully support that but I would like to go on record as saying I will not be supporting any cycle path that goes through FB Fields, particularly at the detriment of the cricket that is played there. That is just to go on record. I am always wary of bringing in law changes that are based on one case. I am not saying that certain cases are right or incorrect or whatever, but it can always be a dangerous thing to do because emotion can sway people. I would also say that I backed Senator Ferguson’s excellent suggestion of cameras, but I would go further. I do not see why we need to worry about having speed cameras or cameras in difficult junctions, unless you are breaking the law, you should have nothing to fear with that. I would happily go with that, particularly on dangerous junctions where it could greatly aid road safety. What I would have a little bit of concern at ... I have forgotten how it was phrased, but let us say the people likely to cause the greatest harm should be viewed as having a greater duty of care. It is very difficult to see who can create the greatest harm. Young toddlers are in danger of causing the greatest harm should they run out into the middle of the road, because I cannot see anybody in their right mind doing anything other than violently swerving their car to avoid that person. But the motorist would be viewed as doing ... I can show an example against myself, I suppose, but when I was at school, aged about 14 or 15, I chased a ball out into the middle of the road. It is not the most sensible thing to do without looking. I suddenly found myself spinning through the air and landed on my elbow and I was badly shaken, quite badly bruised, and my first thought actually at the time was: “My goodness, I have been run over here but I appear to be all right.” I look around and while I was all right the cyclist that had been moving down the hill at quite a brisk pace, I admit, but it was certainly no fault of his own, had gone over the handlebars and skidded along the road on his face, causing himself considerable injury. There were fortunately in this case witnesses who put forward the fact that I had rather carelessly run into the road and the gentlemen concerned sued my father under his household insurance policy and won damages. But if we had gone to that situation now, it is possible, if you are not careful, and there were no witnesses that I would be the injured party because I would have been perceived as the person who was most at danger from a speeding cyclist coming down a hill. We do have to be very careful before we go down certain routes. That is all, but I will be supporting this.

The Bailiff:

Deputy, would you give way for a point of clarification from Deputy Tadier.

Deputy L.B.E. Ash:

Yes, I would always give way to Deputy Tadier, Sir.

Deputy M. Tadier:

It is kind of the Deputy. It relates to the question of cyclists going 2 abreast. Can the Deputy clarify that if you are overtaking cyclists legally, that means going on to the other side of the road to give them the required amount of space under the Highway Code, that it does not matter if you are overtaking 2 bikes or one? In fact it is easier to overtake 2 than bikes behind each other.

The Bailiff:

I am not sure if that is point of clarification.

Deputy L.B.E. Ash:

I am happy to clarify if you want, Sir.

The Bailiff:

I am not sure that is a point of clarification. The Deputy was using a visual image, it is an image that is common to everybody and everyone will have their own experiences to the ease or difficulty of overtaking in those circumstances. I am not sure that can be a general point of clarification of something which is uncertain.

[15:30]

3.3.10 Deputy K.C. Lewis:

Can I start by saying I am absolutely delighted my microphone was muted for the last 25 minutes? I will come to the details later. As Minister for Infrastructure I am committed to making our roads safer for all users. I would like to thank the Constable of St. Martin for her proposition. It is clear and evident that we share a common goal illustrative of the concerns that all States Members share. I would also like to thank the Government officers and Parish officials from the 12 road authorities in all 12 Parishes who work to maintain and improve road safety across the Island. They are already doing a great deal of work which is often unseen to make Jersey's road safer. Their support will be critical if we are to successfully implement this proposition and achieve its desired outcomes. My amendment, which the Constable has kindly accepted, will give further support and this Assembly's endorsement for the work that is already underway. It will mean that we adopt a safe system approach, the same approach implemented by Highways England to improve road safety. The safe system approach is underpinned by 4 fundamental principles. That people make mistakes that can lead to collisions, that the human body has a known limited physical ability to tolerate collision forces before harm occurs, that while drivers have a responsibility to act with care to the law we all carry a responsibility to prevent collisions resulting in serious injury or death. That responsibility is shared by those who design, build, manage, maintain and use roads and vehicles. There is also responsibility for authorities to provide post-crash care. The final principle is that all parts of the system must be strengthened in combinations that multiply their effect and road users are still protected if one part fails. The safe system approach will move us away from reactive safety measures and fixing problems towards pre-emptive safety, incident prevention, and more collaborative partnership working. This holistic review of road safety and an evidence-led approach to safe and sustainable travel will achieve the aims of the Constable's propositions. I would also like to thank Senator Ferguson for her amendments. I support her view that improving the vision for heavy goods vehicles could contribute to road safety. Direct vision standards would be considered as part of the review and, if found to significantly improve road safety when compared with other safety countermeasures,

would be incorporated in the existing delivery programme of safety initiatives. I believe that the catalyst for this proposition was an accident, which left a young boy seriously injured. This proposition could be the catalyst for changing the Island's approach to road safety according to international best practice. I know that with the position that I have been elected to as Minister for Infrastructure I do get a lot of bluster and they call it the poisoned chalice. But I do resent some of the accusations levelled at some of my officers, who are extremely hardworking and do an absolutely fantastic job with not a considerable budget. For people to say that I have implied it is too expensive and not worth it is complete nonsense. If the U.K. go forward with this, which I think they do, they will upgrade their U.K. Highway Code, which we have adopted. We have adopted the U.K. Highway Code plus we have our own supplements for local eccentricities, if you like, which are yellow lines across the road and filter-in-turn roundabouts, but some of the law, as the Solicitor General pointed out, in the Highway Code is an actual code; a code of conduct. There are bits of it that are enshrined in law. You may not go through a red traffic light. Signs that are round is "you must". You must obey speed limits. If it is a no entry you may not enter. That is all enshrined in law. Driving for Better Business programme is something that we may be looking at. P30s, there is a fee for P30s; I believe it is about £188 but that is not a money-raising programme. That is to make sure all the vehicles are in tip-top condition. The head of Driver and Vehicle Standards I know minimises the amount of P30s on the road but we do have what is known now as "Just on Time" with supermarket deliveries. They no longer have the big cold stores we used to have in the old days so things literally come off the boat and are delivered to supermarkets. But we try and keep the big vehicles to an absolute minimum because we also have to repair the roads, among other things. When we do the review we would not be excluding anything. Everything will be included. If people doubt my work, this is recorded on audio, it is also recorded on Hansard, so I can be quoted at any time. I do not make any particular mention to the particular incident that sparked everything off here but the vehicle involved in the road traffic collision with the young gentleman driving his bike was a people carrier with windows all around. I will leave that there. I make no comment on that, that is an enforcement matter. We make the laws in the Assembly, how those laws are implemented that is for the Centeniers, that is for the law officers to decide. I will finish by saying that I have a grandson the same age as the young gentleman knocked off his bike. My grandson is also a very keen cyclist. Do not assume that we as a department are doing nothing, that is insulting. My team are very dedicated and they will deliver. I urge Members to support the proposition as amended.

3.3.11 Deputy K.F. Morel:

I would like to start by saying I will be supporting the Connétable's proposition. But I do so with one slight concern, not directly about the proposition but about the Assembly and our thinking on the issue of road safety because it strikes me that we, in general, not just today, are very focused on treating the symptoms rather than preventing the likelihood of accidents in the first place. The reason I say that, is because other than I believe the Connétable of St. John and his comments about P30s, which I entirely agree with, there has been very little comment today about the most effective way to enhance road safety in the Island is to discourage people to drive in the first place. This ties in with the sustainable transport policy. It struck me a few times over the course of the past 3 years how we seem to be willing to accept the dominance of the motor vehicle on our roads above all else, except perhaps for Deputy Ward's - and he was a schoolteacher by the way - proposition with regard to green lanes where it was about discouraging car use and motor traffic use. We all seem to be trying to make excuses and just trying to pack more motor vehicles in and changing the rules on the roads to try to make it safer when just removing through discouraging motor vehicles in the first place would be better. I saw this in the issue of the bridge over Clarendon Road between Girls College and Girls College Prep where an utterly ridiculous solution to a really simple problem, which was cars were endangering children crossing the road but rather than think about removing the cars from that small stretch of road, which was entirely feasible, and had been turned down by the Parish for some strange reason, the school and the Education Department were going to the extent of building a bridge

over the road. It costs hundreds of thousands of pounds, discriminated against disabled children, and it was all to accommodate the car. One person who spoke to the Planning Committee at the time said that: “No, please do not close the road between those 2 points because then I will not be able to exit to the south.” No, you could exit to the north, turn left a bit later on and then you will be heading south within seconds. I would like Members to think very strongly that while they support this proposition that they really do need to get behind a sustainable transport policy, when we finally see it, that discourages motor vehicle use on our roads and tries to get people to think of other ways of moving themselves about the Island, whether that is on foot or via bicycle, and also think about when speaking to Islanders about road use that we do not suggest, for instance, that there should be more car parking spaces near beaches, et cetera. It would be far better if we had fewer car parking spaces near beaches and people were more able to walk there or cycle there. That we do not have cars piling up along the Five Mile Road instead of people, if they were to walk or cycle there, there would be fewer collisions and the roads would be safer in the first place. Let us just think a little bit about our priorities and what we are doing. There is no point treating the symptoms when you are just going to let the problem get worse and worse through increasing numbers of motor vehicles. Far better to reduce the number of motor vehicles in the first place.

The Bailiff:

Does any other Member wish to speak on the proposition? If no other Member wishes to speak on the proposition then I close the debate and call upon the Connétable of St. Martin to respond.

3.3.12 The Connétable of St. Martin:

I would like to thank everybody who has spoken so far. First of all, I will just address Senator Ferguson’s amendment. My concern with Senator Ferguson’s amendment was that it would be too constrictive for the officers to provide solutions tailored to the Island’s needs. However, I would like, and I know it was defeated, and I am really pleased that Senator Ferguson brought this forward. I have a lot of respect for her. I would just like to reassure the Assembly that Infrastructure will be looking at the direct vision standard and similar access, and I believe that they already have with a far wider scope than provided by the Senator’s amendment. It is for that reason I did not accept it but I can assure the Assembly that Infrastructure will be looking at that. They have told me so and I will be keeping an eye on them. Deputy Ward, he said about keeping a close eye on the progress of the review. Yes, I will be. I will be chasing them and I can assure the Assembly that, yes, Infrastructure comes in for a huge amount of flak and in this case it is totally uncalled for because the officers I have been speaking to are very dynamic and very keen to improve this area greatly. There is one in particular, we have one expert who was working on this in England and knows everything there is to know about it and is very, very keen to move this forward and sees it as a catalyst for the work that they would like to undertake. I would like to say thank you to the Solicitor General for his guidance and opinion. I thank Deputy Higgins and the Constable of St. Ouen for their comments and hope that they are listened to and taken on board. Deputy Tadier, the whole point of this is to improve road safety but also in a way where we educate all the public, and that is the whole point of the hierarchy, that you just do not leap into your car or on your bike and have a different mindset. The road belongs to everyone, it is not just there for 4-wheeled vehicles. To Deputy Young, the focus is on vulnerable road users and there will be dialogue with the Parishes and the legislators. As the Constable of St. Lawrence said, yes, we will discuss fixed penalties. Yes, I think the review will be far-reaching. There is a real appetite in Infrastructure to do this. To the Deputy of Grouville, I agree with your comments and I would just like to say to her, when she said about the Constables and the Parishes moving forward and cycling lanes in St. Martin, as she knows we do have a cycling group in the Parish and a member of Cycle for Jersey is a member of our cycling group and we have made very good progress.

[15:45]

The Constable of St. Lawrence, I thank her for her comments. The Constable of St. Brelade made the point the road safety issue goes to the Road Safety Panel and they are always negative: “No, we cannot do it.” With my proposition and with the help of Infrastructure, I think that Infrastructure - I can say on this one - they really will be a can-do department. They are very innovative and I cannot really explain the enthusiasm that I got for this being a catalyst for the improved road safety over here. They will be a can-do department. Deputy Ash spoke about the point made by the Deputy of Grouville about cycle paths, and I would like to tell him that I have taken on his point about not disrupting cricket with cyclists. I would like to thank the Minister for Infrastructure for his help and the help and support of his officers who have been exemplary and taught me a lot about road safety. Their enthusiasm has been quite infectious. To Deputy Morel, I am glad that he mentioned treating the symptoms rather than the cause and preventative. This is the whole point of the proposition, or one of the main points of the proposition, and I have written down for my closing speech: “This is to be proactive rather than reactive” and this is something we really need to do in the Island. We really do need to be proactive rather than reactive. I agree that roads are not only there for motor vehicles. I apologise if I missed anybody out. Part of this was to say that this proposition will make us proactive rather than reactive when dealing with road safety. I appreciate all the help that has come from Infrastructure. I will be keeping an eye on them. I do think they will be changing their spots or whatever, they will be known as the can-do ... I hope they are known as the can-do department now when they show what fantastic research and ideas they have for road safety. I would just like to say, as I said at the close of my speech, the aim of the proposition is to provide constructive, proactive and lasting improvements for road safety in Jersey. With the support of the Assembly, and I seem to have overwhelming support, which I am really grateful for, I think we can begin to make true, genuine and lasting improvements that will keep Islanders safe on the road regardless of their method of transportation. For the sake of everybody in the Island, everybody uses the roads in whatever aspect, please vote for this proposition.

The Bailiff:

Thank you very much, Connétable. I ask the Greffier to put a voting link into the chat. I open the voting and I ask Members to vote in the normal way. Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been adopted.

POUR: 47	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Peter		

Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

4. Comptroller and Auditor General Board of Governance: Appointment of Chair and Members (P.7/2021)

The Bailiff:

The last item of Public Business is the Comptroller and Auditor General Board of Governance: Appointment of Chair and Members, P.7, lodged by the Chief Minister and I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion – in accordance with Article 3 of the Comptroller and Auditor General (Board of Governance) (Jersey) Order 2015, to appoint Mrs. Grace Nesbit as Chair and Robert Tinlin and Professor Russel Griggs as members of the Board of

Governance of the Office of the Comptroller and Auditor General for a period of 4 years with effect of the 14th March 2021.

4.1 Senator J.A.N. Le Fondré (The Chief Minister):

The Deputy of St. Peter has volunteered to act as rapporteur on this item, particularly as he is involved in the interview process. I am hoping he is not going to have his technical difficulties again.

The Bailiff:

At the moment, you are either miming, Deputy of St. Peter, or you are muted. Do you want to try again? No, I am afraid there still appears to be silence.

Senator J.A.N. Le Fondré:

I will take it. I will tell the Deputy of St. Peter to unplug his earphones again.

The Bailiff:

Out of kindness to him, Chief Minister, you might want to tell him to stop talking now.

Senator J.A.N. Le Fondré:

We are in different rooms but he might as well keep himself entertained for a period of time. This is hopefully a very straightforward proposition. As the Deputy Greffier has read out, it is to appoint Grace Nesbit as chair and Robert Tinlin and Professor Russel Griggs as members of the Board of Governance for the Office of the Comptroller and Auditor General. It is for 4 years with effect from 14th March this year. A robust appointment exercise was carried out and obviously this proposition is lodged, as is stated, with obviously my support but also the chair of the Public Accounts Committee, as is the procedure on these types of processes. I think on that, to keep it short, I make the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition?

4.1.1 Deputy I. Gardiner:

I just would like to say thank you to the Chief Minister and his Deputy for working together. It was a really good process that we have gone through. I am looking forward to work with this board.

The Bailiff:

Does any other Member wish to speak on the proposition? If no other Member wishes to speak then I close the debate and call upon the Chief Minister to respond.

4.1.2 Senator J.A.N. Le Fondré:

I thank the words of Deputy Gardiner. I just wanted to thank her as well because I understand the process has worked very well, and a robust process undergone. What I do just want to say, just to take the opportunity, because I have been very remiss in the past or not had the opportunity as well, to pay tribute the predecessor Chairman of P.A.C. (Public Accounts Committee), Senator Ferguson, who has also been through this process. But I just wanted to state my absolute best wishes to her and pay tribute to her long service in the Assembly. I am sure she will continue to remind me and us in the error of our ways from time to time, as is her wont. and obviously generally I always look forward and it is usually very welcome. But to thank her for very much for her time as a very long-established Member of the Assembly, long may it continue, but particularly to pay tribute as the former Chairman of P.A.C. and the service to this Assembly. In saying that, I maintain the proposition and I call for the *appel*.

The Bailiff:

I ask the Greffier to place a voting link into the chat. The voting link is there. I open the voting and ask Members to vote. Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been adopted.

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				

Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

That concludes Public Business.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

We now invite the chair of P.P.C. to propose the arrangements for future business. I have a list however of people who are indicating a desire to say something about future business so presumably, chair of P.P.C., you would like to hear what those individuals have to say before you propose Public Business?

5. Deputy C.S. Alves of St. Helier (Chair, Privileges and Procedures Committee):

Yes, please. I was just going to say that there have been no changes to the arrangement for public business from what existed in the Consolidated Order Paper but I do believe that the Minister for Treasury and Resources may want to speak regarding reducing the lodging time for P.9. I have also heard from the Deputy of St. Peter who wishes to propose an in-committee debate on the forthcoming population policy for the next sitting. So I would like to hand over to them.

5.1 Deputy S.J. Pinel of St. Clement:

The Draft Income Tax (Payment of 2019 Liability) Regulations, which is P.9, were lodged on 10th February, one day later than expected. Those draft regulations set out the terms under which Islanders who pay taxes under the former tri-year basis arrangement can repay their 2019 tax bills, which this Assembly froze on 4th November 2020. The law we passed on 4th November 2020 obliges us to make the regulations by 31st March 2021. In the event that our sitting commencing on Tuesday, 23rd March, does not continue into the Wednesday I seek States Members approval to reduce the lodging period by just one day in accordance with Standing Order 26(7) so that the debate can take place on that Tuesday, 23rd March.

The Bailiff:

I am sorry, Minister, I was slightly distracted. Were you proposing that to be taken now and to be dealt with now?

Deputy S.J. Pinel:

Yes, please, so that I can just get States Members approval that if the sitting on 23rd March is just for the one day that we can take the debate on P.9 on that day, so reducing the lodging period by just one day.

The Bailiff:

Is that proposal seconded? [**Seconded**] Does any Member wish to speak on that proposition? If no one wishes to speak on that proposition, I propose to take that on a standing vote unless someone indicates in the chat that they would wish it not to be taken on a standing vote.

Deputy M. Tadier:

Can we have the vote please?

The Bailiff:

Yes, in which case we will put a vote into the link shortly, which will be a vote on enabling the Minister for Treasury and Resources to take the matter at the next sitting even if it was one day out of time. A vote pour will permit that to happen. It will just take a moment for the Greffier to set up the vote. The link is now posted and I open the voting. If Members have had the opportunity of casting their votes I ask the Greffier to close the vote. The proposition was adopted.

POUR: 42		CONTRE: 1		ABSTAIN: 0
Senator I.J. Gorst		Deputy M. Tadier (B)		
Senator L.J. Farnham				
Senator S.C Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				

Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

[16:00]

The Assistant Greffier of the States:

Deputy Tadier voted contre.

The Bailiff:

Deputy Maçon, you had a matter to raise?

5.2 Deputy J.M. Maçon:

I believe I have my proposition listed as the first item for the next sitting. I have had some very productive conversations with officers of the States Employment Board and the vice-chair of the States Employment Board. I just want to give notice to Members that most likely is to be withdrawn. I am just waiting for S.E.B. (States Employment Board) to dot a few I's and cross a few T's, so Members do not spend too long preparing for that debate.

The Bailiff:

The Deputy of St. Peter, you wish to raise a matter relating to an in-committee debate?

The Deputy of St. Peter:

Can you hear me?

The Bailiff:

Yes, I can hear you now.

5.3 The Deputy of St. Peter:

I have moved computers. I am having a horror story today but let us continue. During the 137 debate this morning I spoke about my intention to hold an in-committee debate on the general population issues in the next States sitting. I think it is important Members know I intend to utilise this important output from the in-committee debate to draw up initial themes for further development for Ministers, Scrutiny Panel and interested Members. It is clearly an important issue, as discussed this morning. I therefore propose an in-committee debate on general population issues at the next States Assembly session.

The Bailiff:

You are proposing under 89(2) that the Assembly sit in-committee at the next meeting to discuss general policy in connection with population, is that right?

The Deputy of St. Peter:

Yes, please, Sir.

The Bailiff:

Is that proposition seconded? **[Seconded]** Does any Member wish to speak on that proposition?

5.3.1 Deputy J.H. Young:

I apologise for coming in now but I was not aware of this. The question in my mind, and I invite the Assistant Chief Minister to respond to it, is that the work that I am currently working on with the officers, we are right on the eleventh hour of putting together the final draft for the Island Plan. It is likely to go to Council of Ministers toward the end of March for publication now early in April. My worry is that will allow Members to have the full knowledge of where we are, housing and land use-wise, in relation to current population. I just wonder whether it will be wise to have that debate before Members do have that information. I just put the question. I am not taking a firm position. I invite the Assistant Chief Minister to respond to that.

5.3.2 Deputy K.F. Morel:

In a similar, but not exactly the same, vein, I just wanted to raise with the Assistant Chief Minister that I have no problem with an in-committee debate on population policy but I believe that to hold a successful debate, much in the way that the Minister for the Environment did with the Island Plan debate, is that Members will need to be provided with a great deal of material in terms of potential questions to be answered, information data and so on and so forth. It is just, if he can provide reassurance that he will be able to provide that sort of information well in advance of the debate, not the day before the debate but at least a week before the debate, and if not then I would suggest it is worth holding it at the later Assembly. Because it would be dangerous to hold an in-committee debate without material for us to take as our leave for the debate, if you understand what I mean.

The Bailiff:

Does any other Member wish to speak on this question, which is whether there should be an in-committee debate at the next sitting? If no other Member wishes to speak then I close the debate on that and call on the Deputy of St. Peter to respond.

5.3.3 The Deputy of St. Peter:

I thank the Minister for the Environment because he is obviously undertaking a huge amount of work and the Island Plan is very important for us, quite clearly, and he is at the pressure point of that. That is to be respected. Deputy Morel, an enormous amount of the information that is required for a debate is already in our domain as the result of the considerable studies that have been done for the Migration Control Policy debate today. However, I am at the will of the Assembly. If they would like me to give extensive documentation and compile all that documentation for them prior to the debate, and 3 weeks is not long enough, then I am more interested in a successful debate than a quick debate. However, we are under considerable time constraint because we have got to get this population policy out at the will of the Assembly by the end of the year. So I really am in a little bit of a conundrum. I want to listen but I also want to keep my foot on the pedal as we go through this. You can tell, and I am sure Members can tell, that I am somewhat confused. May I recommend that we go to the vote and if people say no to this then I will bring it back and defer it for the subsequent meeting of the Assembly, not the one on 23rd March. I would very much like to do it in 3 weeks' time. That would be my preference but I would like to listen as well.

The Bailiff:

I ask the Greffier to put a vote into the link. The vote is on whether or not there should be an in-committee debate on population at the next sitting of the Assembly. The link has been posted. I open the voting and ask Members to vote.

Senator J.A.N. Le Fondré:

The Deputy of St. Peter is trying to log in so he can vote separately, having been using my machine, can we grant him 30 seconds more for him to get in, if possible? He is done, Sir. Apologies.

The Bailiff:

Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition is adopted.

POUR: 30	CONTRE: 14	ABSTAIN: 0
Senator S.C Ferguson	Senator K.L. Moore	
Senator J.A.N. Le Fondré	Senator S.W. Pallett	
Senator T.A. Vallois	Connétable of Grouville	
Senator S.Y. Mézec	Deputy G.P. Southern (H)	
Connétable of St. Clement	Deputy M.R. Higgins (H)	
Connétable of St. Lawrence	Deputy of St. Martin	
Connétable of St. Saviour	Deputy of St. Ouen	
Connétable of St. Brelade	Deputy L.M.C. Doublet (S)	
Connétable of St. John	Deputy G.J. Truscott (B)	
Connétable of Trinity	Deputy J.H. Young (B)	
Connétable of St. Peter	Deputy K.F. Morel (L)	
Connétable of St. Mary	Deputy of St. John	
Connétable of St. Ouen	Deputy R.J. Ward (H)	
Connétable of St. Martin	Deputy K.G. Pamplin (S)	
Deputy J.A. Martin (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy L.B.E. Ash (C)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		
Deputy C.S. Alves (H)		
Deputy I. Gardiner (H)		

Deputy Morel, you have a matter to raise on future business?

5.4 Deputy K.F. Morel:

It is very much about attempting to return to the States Assembly building, the States Chamber. I would just ask P.P.C. to consider, in light of the fact that Parish Halls have a derogation to hold Parish Assemblies with numbers of people limited only by having 2-metre gaps between them and ventilation, I do not understand why a Parish Assembly should be able to take place but the States Assembly not take place. I appreciate health guidelines may be revisited later this week and that should enable things. But I would ask, regardless, that P.P.C. do consider very carefully a hybrid return to the States Assembly so that some of us can start seeing each other in person again. I do

believe we have seen technical problems today, which highlight the difficulties of having solely remote sittings. Also I think it is really important for relationships between States Members. There are some States Members who have been unable to attend or see other States Members for a very long time, and I think that builds division and does not help us with our business. So I ask P.P.C. and the chair of P.P.C. to very carefully consider helping us get back to the Assembly.

The Bailiff:

Does any other Member have any matter of future arrangements of business to raise?

Deputy C.S. Alves:

I believe Deputy Doublet wanted to comment on International Women's Day before we adjourn. I do not know if that is ...

The Bailiff:

No, the first thing on the Order Paper is to, because it is now currently before us, Deputy Alves, deal with future business. But the sitting still goes until I say it is adjourned so let us just deal with future business. Does any other Member wish to say anything about future business? Deputy Alves, do you propose the future business in the light of the things that have been said and agreed by the Assembly?

5.5 Deputy C.S. Alves:

Yes, thank you, Sir. I just wanted to pick up on a comment that Deputy Morel said, that we will definitely be revisiting the current restrictions once they are changed. Again we will be looking at going back into a hybrid system. With that, I propose the arrangement of public business as shown on the Consolidated Order Paper and with the changes that have been identified.

The Bailiff:

Is that seconded? [**Seconded**] Does any Member wish to speak upon that? No Member wishes to speak, I will take the matter as a standing vote that that is adopted. In which case the future business will be as proposed by the chair of P.P.C. It is somewhat unusual but Deputy Doublet you wish to make an observation on an event, I believe, so I will afford you a brief opportunity to do so.

Deputy L.M.C. Doublet:

It is very brief. I literally have 4 sentences that I just wanted to bring Members' attention to the fact that on Monday it is International Women's Day and the theme this year is "Choose to Challenge". The idea behind this is that a challenged world is an alert world. Individually, we are all responsible for our own thoughts and actions all day every day. This theme is a call to action for all of us as States Members, men and women, to continue this work, to come together to challenge and call out gender bias and inequality. We can all choose to seek out and celebrate women in our communities, and collectively we can all help create an inclusive Island for the good of all. As chair of the Diversity Forum I will be sending an invitation around to Members for a virtual photo opportunity to mark International Women's Day. I hope that Members will support this.

The Bailiff:

Thank you very much, Deputy. I am not sure that was 4 sentences but succinctly put and thank you. That concludes all business. The Assembly stands adjourned until 23rd March.

ADJOURNMENT

[16:14]